

**DEPARTMENT OF CONSUMER AFFAIRS  
STATE ATHLETIC COMMISSION**



**LAWS & REGULATIONS GOVERNING  
BOXING & MARTIAL ARTS IN CALIFORNIA**

(INCLUDING THE FEDERAL BOXING ACT OF 1996)



**STATE OF CALIFORNIA  
GRAY DAVIS  
GOVERNOR**

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# **LAWS & REGULATIONS GOVERNING BOXING & MARTIAL ARTS IN CALIFORNIA**

(INCLUDING THE FEDERAL BOXING ACT OF 1996)

*published by the*

**DEPARTMENT OF CONSUMER AFFAIRS**

**ATHLETIC COMMISSION**

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*Cover Photography Courtesy of Capitol Boxing Gym, Sacramento, CA*

## GENERAL PROVISIONS OF THE BUSINESS AND PROFESSIONS CODE

### § 7.5. CONVICTION OF A CRIME.

A conviction within the meaning of this code means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) of Section 480.

Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3. (Added by Stats. 1979 c.876, p. 3057, § 1.)

### § 10. AUTHORITY DELEGATED.

Whenever, by the provisions of this code, a power is granted to a public officer or a duty imposed upon such an officer, the power may be exercised or duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer, unless it is expressly otherwise provided. (Stats. 1937 c. 399, p. 1230, Section 10.)

### § 12.5. CITATION ISSUANCE FOR VIOLATION OF REGULATION.

Whenever in any provision of this code authority is granted to issue a citation for a violation of any provision of this code, that authority also includes the authority to issue a citation for the violation of any regulation adopted pursuant to any provision of this code. (Added by Stats. 1986 c. 1379, § 1.)

### § 14.1. GENDER AMENDMENT.

The Legislature hereby declares its intent that the terms “man” or “men” where appropriate shall be deemed “person” or “persons” and any references to the terms “man” or “men” in sections of this code be changed to “person” or “persons” when such code sections are being amended for any purpose. This act is declaratory and not amendatory of existing law. (Added by Stats. 1976 c. 1171, p. 5252, § 1.)

### § 19. “SHALL” – “MAY.”

“Shall” is mandatory and “may” is permissive. (1937 ch. 399)

### § 22. “BOARD.”

(a) “Board,” as used in any provision of this code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency.” (Added by Stats. 1991 c. 654, (AB 1893), § 1.)

(b) Whenever the regulatory program of a board that is subject to review by the Joint Legislative Sunset Review Committee, as provided for in Division 1.2 (commencing with Section 473), is taken over by the department, that program shall be designated as a “bureau”.

### § 23.6. “APPOINTING POWER.”

“Appointing power,” unless otherwise defined, refers to the Director of Consumer Affairs. (1945 ch. 1276, 1971 ch. 716.)

### § 23.7. LICENSE.

Unless otherwise expressly provided, “license” means license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600. (Added by Stats. 1994, c. 26 (A.B. 1807), § 1, eff. March 30, 1994.)

### § 23.8. “LICENTiate.”

“Licentiate” means any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Sections 1000 and 3600. (1961 ch. 2232.)

Former Section 23.8: Renumbered Section 23.9 and amended 1971 ch. 582.

### § 29.5. LICENSURE APPLICANTS MUST COMPLY WITH SUPPORT ORDERS.

In addition to other qualifications for licensure prescribed by the various acts of boards under the department, applicants for licensure and licensees renewing their licenses shall also comply with Section 11350.6 of the Welfare and Institutions Code. (Added by Stats. 1991 c. 542, (SB 1161), § 1.)

**§ 30. FEDERAL EMPLOYER IDENTIFICATION NUMBER OR SOCIAL SECURITY NUMBER REQUIRED OF LICENSEE.**

(a) Notwithstanding any other provision of law, any board, as defined in Section 22, and the State Bar and the Department of Real Estate shall at the time of issuance or renewal of the license require that any licensee provide its federal employer identification number if the licensee is a partnership or his or her social security number for all others.

(b) Any licensee failing to provide the federal identification number or social security number shall be reported by the licensing board to the Franchise Tax Board and, if failing to provide after notification pursuant to paragraph (1) of subdivision (b) of Section 19528 of the Revenue and Taxation Code, shall be subject to the penalty provided in paragraph (2) of subdivision (b) of Section 19528 of the Revenue and Taxation Code.

(c) In addition to the penalty specified in subdivision (b), a licensing board may not process any application for an original license or for renewal of a license unless the applicant or licensee provides its federal employer identification number or social security number where requested on the application.

(d) A licensing board shall, upon request of the Franchise Tax Board, furnish to the Franchise Tax Board the following information with respect to every licensee:

- (1) Name.
- (2) Address or addresses of record.
- (3) Federal employer identification number if the entity is a partnership or social security number for all others.
- (4) Type of license.
- (5) Effective date of license or a renewal.
- (6) Expiration date of license.
- (7) Whether license is active or inactive, if known.
- (8) Whether license is new or a renewal.

(e) For the purposes of this section:

- (1) "License" means any entity, other than a corporation, authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

(2) "License" includes a certificate, registration, or any other authorization needed to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

(3) "Licensing board" means any board, as defined in Section 22, the State Bar, and the Department of Real Estate.

(f) The reports required under this section shall be filed on magnetic media or in other machine-readable form, according to standards furnished by the Franchise Tax Board.

(g) Licensing boards shall provide to the Franchise Tax Board the information required by this section at a time that the Franchise Tax Board may require.

(h) Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, the social security number and federal employer identification number furnished pursuant to this section shall not be deemed to be a public record and shall not be open to the public for inspection.

(i) Any deputy, agent, clerk, officer, or employee of any licensing board described in subdivision (a), or any former officer or employee or other individual who in the course of his or her employment or duty has or has had access to the information required to be furnished under this section, may not disclose or make known in any manner that information, except as provided in this section to the Franchise Tax Board or as provided in subdivision (k).

(j) It is the intent of the Legislature in enacting this section to utilize the social security account number or federal identification number for the purpose of establishing the identification of persons affected by state tax laws and for purposes of compliance with Section 11350.6 of the Welfare and Institutions Code and, to that end, the information furnished pursuant to this section shall be used exclusively for those purposes.

(k) If the board utilizes a national examination to issue a license, and if a reciprocity agreement or comity exists between the State of California and the state requesting release of the social security number, any deputy, agent, clerk, officer, or employee of any licensing board described in subdivision (a) may release a social security number to an examination or licensing entity, only for the purpose of verification of licensure or examination status. (1986 ch. 1361, 1988 ch. 1333 urgency eff. Sept. 26, 1988, 1991 chs. 542, 654, 1994 ch. 1135, 1997, ch. 17; 1997 ch. 604; 1997 ch. 605.)

(1) For the purposes of enforcement of Section 17520 of the Family Code, and notwithstanding any other provision of law, any board, as defined in Section 22, and the State Bar and the Department of Real Estate shall at the time of issuance or renewal of the license require that each licensee provide the social security number of each individual listed on the license and any person who qualifies the license. For the purposes of this subdivision, "licensee" means any entity that is issued a license by any board, as defined in Section 22, the State Bar, the Department of Real Estate, and the Department of Motor Vehicles.

### **§ 31. NONCOMPLIANCE WITH SUPPORT ORDERS OR JUDGMENTS – EFFECT ON REGISTRATION AND LICENSING OF BUSINESSES.**

(a) As used in this section, "board" means any entity listed in Section 101, the entities referred to in Section 1000 and 3600, the State Bar, the Department of Real Estate, and any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

(b) Each applicant for the issuance or renewal of a license, certificate, registration, or other means to engage in a business or profession regulated by a board who is not in compliance with a judgment or order for support shall be subject to Section 11350.6 of the Welfare and Institutions Code.

(c) "Compliance with a judgment or order for support," has the meaning given in paragraph (4) of subdivision (a) of Section 11350.6 of the Welfare and Institutions Code. (1991 chs. 110, 542)

### **§ 101.6. PURPOSE OF BOARDS, BUREAUS, AND COMMISSIONS.**

The boards, bureaus, and commissions in the department are established for the purpose of ensuring that those private businesses and professions deemed to engage in activities which have potential impact upon the public health, safety, and welfare are adequately regulated in order to protect the people of California.

To this end, they establish minimum qualifications and levels of competency and license persons desiring to engage in the occupations they regulate upon determining that such persons possess the requisite skills and qualifications necessary to provide safe and effective services to the public, or register or otherwise certify persons in order to identify practitioners and ensure performance according to set and accepted pro-

fessional standards. They provide a means for redress of grievances by investigating allegations of unprofessional conduct, incompetence, fraudulent action, or unlawful activity brought to their attention by members of the public and institute disciplinary action against persons licensed or registered under the provisions of this code when such action is warranted. In addition, they conduct periodic checks of licensees, registrants, or otherwise certified persons in order to ensure compliance with the relevant sections of this code. (1980 ch. 375)

### **§ 103. COMPENSATION, REIMBURSEMENT FOR EXPENSES.**

Each member of a board, commission, or committee created in the various chapters of Division 2 (commencing with Section 500), and Division 3 (commencing with Section 5000), and Chapter 2 (commencing with Section 18600) and Chapter 3 (commencing with Section 19000) of Division 8, shall receive the moneys specified in this section when authorized by the respective provisions.

Each such member shall receive a per diem of one hundred dollars (\$100) for each day actually spent in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.

The payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money.

Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment. (1959 ch. 1645, 1978 ch. 1141, 1985 ch. 502, 1987 ch. 850, 1993 ch. 1264)

### **§ 105.5. DURATION OF APPOINTMENT TO FILL VACANCY.**

Notwithstanding any other provision of this code, each member of a board, commission, examining committee, or other similarly constituted agency within the department shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. (Added by Stats, 1967, c. 524, p. 1875, § 1.)

**§ 106. BOARD MEMBERS – REMOVAL.**

The Governor has power to remove from office at any time, any member of any board appointed by him for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct. Nothing in this section shall be construed as a limitation or restriction on the power of the Governor conferred on him by any other provision of law, to remove any member of any board. (1937 ch. 399, 1945 ch. 1276.)

**§ 106.5. REMOVAL OF BOARD MEMBERS; DISCLOSURE OF EXAMINATION QUESTIONS; LAW GOVERNING.**

Notwithstanding any other provision of law, the Governor may remove from office a member of a board or other licensing entity in the department if it is shown that such member has knowledge of the specific questions to be asked on the licensing entity's next examination and directly or indirectly discloses any such question or questions in advance of or during the examination to any applicant for that examination.

The proceedings for removal shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the Governor shall have all the powers granted therein. (Added by Stats. 1977, c. 482, p. 1600, § 1.)

**§ 107. APPOINTMENT OF EXECUTIVE OFFICER.**

Pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution, each board may appoint a person exempt from civil service and may fix his or her salary, with the approval of the Department of Personnel Administration pursuant to Section 19825 of the Government Code, who shall be designated as an executive officer unless the licensing act of the particular board designates the person as a registrar. (Stats. 1937, c. 399, p. 1232, § 107, Amended by Stats. 1984, c. 47, § 2, eff. March 21, 1984; Stats. 1987, c. 850, § 2.)

**§ 108. FUNCTIONS OF BOARDS.**

Each of the boards comprising the department exists as a separate unit, and has the functions of setting standards, holding meetings, and setting dates thereof, preparing and conducting examinations, passing upon applicants, conducting investigations of violations of laws under its jurisdiction, issuing citations and holding hearings for the revocation of licenses, and the imposing of penalties following such hearings, in so far as these powers are given by statute to each respective board. (Stats. 1937, c. 399, p. 1233, § 108.)

**§ 109. FINALITY OF DECISIONS.**

(a) The decisions of any of the boards comprising the department with respect to setting standards, conducting examinations, passing candidates, and revoking licenses, are not subject to review by the director, but are final within the limits provided by this code which are applicable to the particular board, except as provided in this section.

(b) The director may initiate an investigation of any allegations of misconduct in the preparation, administration, or scoring of an examination which is administered by a board, or in the review of qualifications which are a part of the licensing process of any board. A request for investigation shall be made by the director to the Division of Investigation through the chief of the division or to any law enforcement agency in the jurisdiction where the alleged misconduct occurred.

(c) The director may intervene in any matter of any board where an investigation by the Division of Investigation discloses probable cause to believe that the conduct or activity of a board, or its members or employees constitutes a violation of criminal law.

The term "intervene," as used in paragraph (c) of this section may include, but is not limited to, an application for a restraining order or injunctive relief as specified in Section 123.5, or a referral or request for criminal prosecution. For purposes of this section, the director shall be deemed to have standing under Section 123.5 and shall seek representation of the Attorney General, or other appropriate counsel in the event of a conflict in pursuing that action. (Amended by Stats. 1991, c. 1013 (S.B. 961), § 1.)

**§ 118. WITHDRAWAL OF APPLICATION FOR LICENSE; SUSPENSION, EXPIRATION OR FORFEITURE OF LICENSE; AUTHORITY OF BOARD.**

(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of

its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

(c) As used in this section, “board” includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and “license” includes “certificate,” “registration,” and “permit.” (Added by Stats. 1961, c. 1079, p. 2811, § 1.)

## § 119. LICENSE OFFENSES.

Any person who does any of the following is guilty of a misdemeanor:

(a) Displays or causes or permits to be displayed or has in his or her possession either of the following:

(1) A canceled, revoked, suspended, or fraudulently altered license.

(2) A fictitious license or any document simulating a license or purporting to be or have been issued as a license.

(b) Lends his or her license to any other person or knowingly permits the use thereof by another.

(c) Displays or represents any license not issued to him or her as being his or her license.

(d) Fails or refuses to surrender to the issuing authority upon its lawful written demand any license, registration, permit, or certificate which has been suspended, revoked, or canceled.

(e) Knowingly permits any unlawful use of a license issued to him or her.

(f) Photographs, photostats, duplicates, or in any way reproduces any license or facsimile thereof in a manner that it could be mistaken for a valid license, or displays or has in his or her possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by this code.

(g) Buys or receives a fraudulent, forged, or counterfeited license knowing that it is fraudulent, forged, or counterfeited. For purposes of this subdivision, “fraudulent” means containing any misrepresentation of fact.

As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration” or any other indicia giving authorization to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600. (Amended by Stats. 1990, c. 350 (S.B. 2084), § 1; Stats. 1990, c. 1207 (A.B. 3242), § 1; Stats. 1994, c. 1206 (S.B. 1775), § 1.)

## § 122. COPIES OF LICENSURE; FEES.

Except as otherwise provided by law, the department and each of the boards, bureaus, committees, and commissions within the department may charge a fee for the processing and issuance of a duplicate copy of any certificate of licensure or other form evidencing licensure or renewal of licensure. The fee shall be in an amount sufficient to cover all costs incident to the issuance of the duplicate certificate or other form but shall not exceed twenty-five dollars (\$25). (Added by Stats. 1986, c. 951, § 1.)

## § 125.5. VIOLATION INJUNCTION – RESTITUTION ORDER.

(a) The superior court for the county in which any person has engaged or is about to engage in any act which constitutes a violation of a chapter of this code administered or enforced by a board within the department may, upon a petition filed by the board with the approval of the director, issue an injunction or other appropriate order restraining such conduct. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure. As used in this section, “board” includes commission, bureau, division, agency and a medical quality review committee.

(b) The superior court for the county in which any person has engaged in any act which constitutes a violation of a chapter of this code administered or enforced by a board within the department may, upon a petition filed by the board with the approval of the director, order such person to make restitution to persons injured as a result of such violation.

(c) The court may order a person subject to an injunction or restraining order, provided for in subdivision (a) of this section, or subject to an order requiring restitution pursuant to subdivision (b), to reimburse the petitioning board for expenses incurred by the board in its investigation related to its petition.

(d) The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other section of this code. (1972 ch. 1238, 1973 ch. 632, 1975 2<sup>nd</sup> Ex. Session ch. 1, 1982 ch. 517.)

## § 125.7. RESTRAINING ORDERS.

In addition to the remedy provided for in Section 125.5, the superior court for the county in which any licensee licensed under Division 2 (commencing with Section 500), or any initiative act referred to in that division, has engaged or is about to engage in any act



that constitutes a violation of a chapter of this code administered or enforced by a board referred to in Division 2 (commencing with Section 500), may, upon a petition filed by the board and accompanied by an affidavit or affidavits in support thereof and a memorandum of points and authorities, issue a temporary restraining order or other appropriate order restraining the licensee from engaging in the business or profession for which the person is licensed or from any part thereof, in accordance with this section.

(a) If the affidavits in support of the petition show that the licensee has engaged or is about to engage in acts or omissions constituting a violation of a chapter of this code and if the court is satisfied that permitting the licensee to continue to engage in the business or profession for which the license was issued will endanger the public health, safety, or welfare, the court may issue an order temporarily restraining the licensee from engaging in the profession for which he or she is licensed.

(b) The order may not be issued without notice to the licensee unless it appears from facts shown by the affidavits that serious injury would result to the public before the matter can be heard on notice.

(c) Except as otherwise specifically provided by this section, proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

(d) When a restraining order is issued pursuant to this section, or within a time to be allowed by the superior court, but in any case not more than 30 days after the restraining order is issued, an accusation shall be filed with the board pursuant to Section 11503 of the Government Code or, in the case of a licensee of the State Department of Health Services, with that department pursuant to Section 100171 of the Health and Safety Code. The accusation shall be served upon the licensee as provided by Section 11505 of the Government Code. The licensee shall have all of the rights and privileges available as specified in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. However, if the licensee requests a hearing on the accusation, the board shall provide the licensee with a hearing within 30 days of the request and a decision within 15 days of the date of the conclusion of the hearing, or the court may nullify the restraining order previously issued. Any restraining order issued pursuant to this section shall be dissolved by operation of law at the time the board's decision is subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

(e) The remedy provided for in this section shall be in addition to, and not a limitation upon, the authority provided by any other provision of this code. (1977 ch. 292; 1982 ch. 517; 1994 ch. 1206; 1997 ch. 220.)

### **§ 125.8. RESTRAINING ORDER – NOTICE, ACCUSATION.**

In addition to the remedy provided for in Section 125.5, the superior court for the county in which any licensee licensed under Division 3 (commencing with Section 5000) or Chapter 2 (commencing with Section 18600) of Chapter 3 (commencing with Section 19000) of Division 8 has engaged or is about to engage in any act which constitutes a violation of a chapter of this code administered or enforced by a board referred to in Division 3 (commencing with Section 5000) or Chapter 2 (commencing with Section 18600) or Chapter 3 (commencing with Section 19000) of Division 8 may, upon a petition filed by the board and accompanied by an affidavit or affidavits in support thereof and a memorandum of points and authorities, issue a temporary restraining order or other appropriate order restraining the licensee from engaging in the business or profession for which the person is licensed or from any part thereof, in accordance with the provisions of this section.

(a) If the affidavits in support of the petition show that the licensee has engaged or is about to engage in acts or omissions constituting a violation of a chapter of this code and if the court is satisfied that permitting the licensee to continue to engage in the business or profession for which the license was issued will endanger the public health, safety, or welfare, the court may issue an order temporarily restraining the licensee from engaging in the profession for which he is licensed.

(b) Such order may not be issued without notice to the licensee unless it appears from facts shown by the affidavits that serious injury would result to the public before the matter can be heard on notice.

(c) Except as otherwise specifically provided by this section, proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

(d) When a restraining order is issued pursuant to this section, or within a time to be allowed by the superior court, but in any case not more than 30 days after the restraining order is issued, an accusation shall be filed with the board pursuant to Section 11503 of the Government Code. The accusation shall be served upon the licensee as provided by Section 11505 of the Government Code. The licensee shall have all of the rights

and privileges available as specified in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code; however, if the licensee requests a hearing on the accusation, the board must provide the licensee with a hearing within 30 days of the request and a decision within 15 days of the date of the conclusion of the hearing, or the court may nullify the restraining order previously issued. Any restraining order issued pursuant to this section shall be dissolved by operation of law at such time the board's decision is subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure. (1977 ch. 443, 1982 ch. 517)

**§ 141. EFFECT OF DISCIPLINARY ACTION TAKEN BY ANOTHER STATE OR THE FEDERAL GOVERNMENT.**

(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country. (1994 ch. 1275)

**§ 450. QUALIFICATIONS.**

In addition to the qualifications provided in the respective chapters of this code, a public member or a lay member of any board shall not be, nor shall he have been within the period of five years immediately preceding his appointment, any of the following:

(a) An employer, or an officer, director, or substantially full-time representative of an employer or group of employers, of any licentiate of such board, except that this shall not preclude the appointment of a person which maintains infrequent employer status with such licentiate, or maintains a client, patient, or customer relationship with any such licentiate which does not constitute more than 2 percent of the practice or business of the licentiate.

(b) A person maintaining a contractual relationship with a licentiate of such board, which would constitute more than 2 percent of the practice or business of any such licentiate, or an officer, director, or substantially full-time representative of such person or group of persons.

(c) An employee or any licentiate of such board, or a representative of such employee, except that this shall not preclude the appointment of a person who maintains an infrequent employee relationship or a person rendering professional or related services to a licentiate if such employment or service does not constitute more than 2 percent of the employment or practice of the member of the board. (1961 ch. 2232)

**§ 450.3. FINANCIAL INTEREST IN ORGANIZATION SUBJECT TO REGULATION.**

No public member shall either at the time of his appointment or during his tenure in office have any financial interest in any organization subject to regulation by the board, commission or committee of which he is a member. (Added by Stats. 1972, c. 1032, p.1911, §1)

**§ 450.4. EXPERT PUBLIC MEMBER.**

Each board shall have, as one of its public members, a person who possesses expertise in one or more significant portions of the board's regulated activities. (Added by Stats. 1976, c. 1188, p. 5336, §1)

**§ 450.5. QUALIFICATIONS; CONFLICTING PURSUITS.**

A public member, or a lay member, shall not have been engaged at any time within five years immediately preceding his appointment in pursuits which lie within the field of the industry or profession regulated by the board of which he is a member, nor shall he engage in any such pursuits during his term of office. (Added by Stats. 1961, c. 2232, p. 4591, §2)

**§ 450.6. AGE REQUIREMENT.**

Notwithstanding any other section of law, a public member may be appointed without regard to age so long as the public member has reached the age of majority prior to appointment. (Added by Stats. 1976, c. 1188, p. 5336, §1.3)

**§ 451. DELEGATED AUTHORITY;  
RESTRICTIONS.**

If any board shall as a part of its functions delegate any duty or responsibility to be performed by a single member of such board, such delegation shall not be made solely to any public member or any lay member of the board in any of the following instances:

(a) The actual preparation of, the administration of, and the grading of, examinations.

(b) The inspection or investigation of licentiates, the manner or method of practice or doing business, or their place of practice or business.

Nothing in this section shall be construed as precluding a public member or a lay member from participating in the formation of policy relating the scope of the activities set forth in subdivisions (a) and (b) or in the approval, disapproval or modification of the action of its individual members, nor preclude such member from participating as a member of a subcommittee consisting of more than one member of the board in the performance of any duty. (Added by Stats. 1961, c. 2232, p. 4591, §2)

**§ 452. BOARD DEFINED.**

“Board,” as used in this chapter, includes a board, advisory board, commission examining committee, committee or other similarly constituted body exercising powers under this code. (Added by Stats. 1961, c. 2232, p.4591, §2. Amended by Stats. 1976, c. 1188, p.5336, §1.5)

## **BUSINESS AND PROFESSIONS CODE**

### **CHAPTER 2. BOXING, WRESTLING AND MARTIAL ARTS**

#### **ARTICLE 1. ADMINISTRATION**

##### **§ 18600. BOXING ACT.**

This chapter shall be known and may be cited as the Boxing Act.

Whenever a reference is made to the Boxing Act by the provisions of any statute, it is to be construed as referring to the provisions of this chapter. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

##### **§ 18601. LEGISLATIVE AUTHORITY.**

The Legislature may amend, revise, or supplement any part of this chapter. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

[Operative Until July 1, 2005; Repealed January 1, 2006]

##### **§ 18602. MEMBERSHIP ON STATE ATHLETIC COMMISSION.**

Except as provided in this section, there is in the Department of Consumer Affairs the State Athletic Commission, which consists of eight members. Six members shall be appointed by the Governor, one member shall be appointed by the Senate Rules Committee, and one member shall be appointed by the Speaker of the Assembly.

The members of the commission appointed by the Governor are subject to confirmation by the Senate pursuant to Section 1322 of the Government Code.

No person who is licensed under this chapter as a promoter, manager, or judge may be appointed or reappointed to, or serve on, the commission.

Upon the first expiration of the term of a member appointed by the Governor, the commission shall be reduced to seven members. Notwithstanding any provision of law, the term of that member shall not be extended for any reason.

This section shall become inoperative on July 1, 2005, and as of January 1, 2006, is repealed, unless a later enacted statute, which becomes operative on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the commission subject to the review required by Division 1.2 (commencing with Section 473). (1985 ch. 1092, 1986 ch. 521, 1996 chs. 1136, 1137 inoper. July 1, 2001, repealed eff. Jan. 1, 2002)

##### **§ 18603. TERM OF MEMBERSHIP – VACANCIES.**

Members of the commission shall be appointed for a four-year term.

Vacancies occurring shall be filled by appointment in the same manner as specified in Section 18602 for the balance of the unexpired term. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

##### **§ 18604. AUTHORITY TO REMOVE MEMBERS.**

The appointing authority may remove any member of the commission for causes specified in Section 106. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

##### **§ 18605. QUORUM – MAJORITY VOTE.**

A majority of the appointed members of the commission constitute a quorum for the transaction of business. The affirmative vote of a majority of those commissioners present at a meeting of the commission constituting at least a quorum is necessary to render a decision or pass a motion. (Added by Stats. 1985, Ch. 1092, Sec. 2; 1994 ch. 26, effective March 30, 1994.)

##### **§ 18606. ELECTION OF CHAIRPERSON.**

The members of the commission shall elect one of their number as the chair and another member as the vice-chair. The chair and vice-chair shall be elected at the first meeting of each calendar year or when a vacancy exists. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

##### **§ 18607. EXPENSES.**

Each member of the commission shall receive a per diem and necessary travel expenses as provided in Section 103. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

##### **§ 18608. DESIGNATION AS A BOARD.**

The commission is subject to all of the provisions of Division 1 (commencing with Section 100) and for the purposes of that division shall be deemed to be a board, except for the purposes of Section 102 the commission shall not be deemed to be a board created by an initiative act. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18610. SEAL.**

The commission shall adopt a seal. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18611. ADOPTION OF RULES AND REGULATIONS.**

The commission shall adopt, amend, or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts. (Amended by Stats. 1989, Ch. 757, Sec. 1.)

**§ 18612. ENACTED 1985 AND REPEALED 1996 CH. 1137.**

[Operative Until July 1, 2005; Repealed January 1, 2006]

**§ 18613. EXECUTIVE OFFICER.**

The commission shall appoint an executive officer and fix his or her compensation. The executive officer shall carry out the duties prescribed by this chapter and additional duties as may be delegated by the commission. The commission may employ in accordance with Section 154 other personnel as may be necessary for the administration of this chapter.

This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed. (Added by Stats. 1985, Ch. 1092, 1996 ch. 1136 inoper. July 1, 2001, repealed eff. Jan. 1, 2002)

**§ 18615. INSPECTORS' CLINIC AND TRAINING.**

No inspector shall be assigned to regulate an event under the authority or jurisdiction of the commission, who, within the preceding six months, has not participated in an inspectors' clinic or received formal training, at which the laws and rules of the commission and related problems have been discussed. The commission is authorized to pay the necessary traveling expenses of an inspector while in attendance at the clinic or formal training. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18618. REPORT ON PROMOTER ASSESSMENTS.**

The commission shall furnish to the Senate Committee on Business and Professions and the Assembly Committee on Governmental Organization a report on

or before July 30 of each year which indicates the amount of the assessment collected from each promoter pursuant to Section 18711 and the purposes for which moneys in the account were expended. (Added by Stats. 1986, Ch. 1095, Sec. 1, 1993 ch. 1057.)

**§ 18619. ENACTED 1985. REPEALED 1992 CH. 711 URGENCY EFF. SEPT. 15, 1992.****ARTICLE 2.  
GENERAL PROVISIONS****§ 18620. TERMS DEFINED.**

The definitions contained in this article shall be for terms used in this chapter and shall be applicable unless otherwise specifically provided. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18621. "COMMISSION."**

"Commission" means the State Athletic Commission. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18622. "CLUB" – "PROMOTER."**

The words "club" and "promoter" are synonymous, may be used interchangeably, and mean a corporation, partnership, association, individual, or other organization which conducts, holds, or gives a boxing or martial arts contest, match, or exhibition. (Amended by Stats. 1989, Ch. 757, Sec. 2.)

**§ 18623. DEFINITION OF PARTICIPANTS.**

A professional or amateur boxer or martial arts fighter is one who engages in a boxing or martial arts contest and who possesses fundamental skills in his or her respective sport. (Amended by Stats. 1989, Ch. 757, Sec. 3.)

**§ 18624. "COMMITTEE."**

"Committee" means an advisory committee on medical and safety standards created by this article. (Added by Stats. 1986, Ch. 1095, Sec. 2.)

**§ 18625. "CONTEST" – "MATCH."**

"Contest" and "match" are synonymous, may be used interchangeably, and include boxing, kickboxing, martial arts exhibitions, and mean a fight, prizefight, boxing contest, pugilistic contest, kickboxing contest,

martial arts contest, sparring match, between two or more persons, where full or partial contact is used or intended which may result or intended, to result in physical harm to the opponent. In any exhibition or sparring match, the opponents are not required to use their best efforts. (Amended by Stats. 1989, Ch. 757, Sec. 4.)

**§ 18626. ENACTED 1985. REPEALED  
1989 CH. 757.**

**§ 18627. “MARTIAL ARTS,” “KICKBOXING,”  
“FULL CONTACT,” “LIGHT  
CONTACT,” “NONCONTACT.”**

(a) “Martial arts” means any form of karate, kung fu, tae kwon-do, kickboxing or any other forms of full contact martial arts, or self-defense conducted on a full contact basis where a weapon is not used.

(b) “Kickboxing” means any form of boxing in which blows are delivered with the hand and any part of the leg below the hip, including the foot.

(c) “Full contact” means the use of full unrestrained physical force in a martial arts contest.

(d) “Light contact” means the use of controlled martial arts techniques whereby contact to the body is permitted in a restrained manner, no contact to the face is permitted, and no contact is permitted which may result or is intended to result in physical harm to the opponent.

(e) “Noncontact” means that no contact occurs between either contestant. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18628. “MANAGER.”**

“Manager” means any person who does any of the following:

(a) By contract, agreement, or other arrangement with any person, undertakes or has undertaken to represent in any way the interest of any professional boxer, or martial arts fighter in procuring, or with respect to the arrangement or conduct of, any professional contest in which the boxer or fighter is to participate as a contestant; except that the term “manager” shall not be construed to mean any attorney licensed to practice in this state whose participation in these activities is restricted to representing the legal interests of a professional boxer or fighter as a client. Otherwise, an attorney shall be licensed as a manager in order to engage in any of the activities described in this section.

(b) Directs or controls the professional boxing or martial arts activities of any professional boxer or martial arts fighter.

(c) Receives or is entitled to receive more than 10 percent of the gross purse of any professional boxer or martial arts fighter for any services relating to such person’s participation in a professional contest.

(d) Is an officer, director, shareholder, or member of any corporation or organization which receives, or is entitled to receive more than 10 percent of the gross purse of any professional boxer or martial arts fighter for any services relating to the person’s participation in a professional contest. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18629. “SCHOOL, COLLEGE, OR  
UNIVERSITY.”**

“School, college, or university” means a secondary school, the University of California, a California State University, public community college, or any other private, postsecondary educational institution meeting the requirements of Section 94702, or Article 4 (commencing with Section 94760) or Article 5 (commencing with Section 94780) of Chapter 7 of Part 59 of the Education Code.

This section shall become operative on January 1, 1997. (Added by Stats. 1995, c. 758.)

**§ 18630. “PROPRIETARY INTEREST.”**

“Proprietary interest” means any membership, co-ownership, stock ownership, legal or beneficial interest, profit-sharing arrangement, or other proprietary interest, designated arranged or held, directly or indirectly in any form. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18631. “LICENSE” “PERMIT.”**

“License” as used in this chapter also includes a “permit.” (Added by Stats. 1985, Ch. 1092, Sec. 2.)

### **ARTICLE 3. JURISDICTION, LICENSES, AND EXEMPTIONS**

#### **§ 18640. JURISDICTION OF COMMISSION.**

The commission has the sole direction, management, control of, and jurisdiction over all professional and amateur boxing, professional and amateur kickboxing, full contact martial arts contests, and matches or exhibitions which are conducted, held, or given within this state. No such event shall take place without the prior approval of the commission. No person shall engage in the promotion of, or participate in a boxing, or martial arts contest, match, or exhibition without a license, and except in accordance with this chapter and the rules adopted hereunder. (1985 Ch. 1092, 1989 Ch. 757.)

#### **§ 18641. NECESSITY FOR LICENSES FOR NAMED PERSONS AND ENTITIES.**

The commission may license clubs to conduct, hold, or give, and shall license referees, judges, matchmakers, and timekeepers, and may license assistant matchmakers and corporation treasurers, to participate in, or be employed in connection with, professional or amateur boxing contests, sparring matches, or exhibitions.

No club may conduct, hold, or give, and no person performing tasks for which licensure is required by the commission may participate in, or be employed in connection with those boxing contests, sparring matches, or exhibitions unless the club or person has been licensed for that purpose by the commission. (Amended by Stats. 1996, Ch. 1137.)

#### **§ 18642. NECESSITY OF LICENSE FOR PERSONS NAMED IN SECTION.**

The commission may license professional and amateur boxers, professional and amateur martial arts fighters, and booking agents, managers of professional boxers and professional martial arts fighters, trainers, chief seconds, and seconds of each. Only a natural person may be licensed as a boxer and martial arts fighter.

No person shall participate in any contest or serve in the capacity of a booking agent, manager, trainer, or second, unless he or she has been licensed for that purpose by the commission. (Amended by Stats. 1989, Ch. 757, Sec. 8.)

#### **§ 18642.5. NECESSITY TO DEMONSTRATE ABILITY TO PERFORM PRIOR TO LICENSURE.**

A professional boxer or martial arts fighter shall, prior to licensure by the commission, demonstrate his or her ability to perform. If at any time a licensed boxer or fighter's ability to perform is questionable the commission shall revalidate the licensee using standards adopted in regulation by the commission.

The commission may accept whatever evidence is available to demonstrate the "ability to perform" at the initial time of licensure. However, all commission evaluations or reevaluations shall be recorded on a form approved by the commission and maintained with the fighter's licensing file.

The evaluation or reevaluation may be used by the commission when approving bouts for not more than 120 days from the date of the evaluation. (Added by Stats. 1989, Ch. 264, Sec. 1.)

#### **§ 18643. SPARRING PERMITS; NECESSITY; INSPECTION.**

(a) No professional boxer shall spar for training purposes with any person not licensed as a professional boxer or who does not have a sparring permit. The commission may authorize a professional boxer to spar with someone not licensed as a professional boxer or who does not have a sparring permit, under special circumstances subject to a commission representative being present. No person licensed under this chapter shall conduct, hold, or permit unlicensed persons to spar unless commission authorization is granted.

(b) The commission may issue a permit to spar with professional boxers for training purposes. This permit shall be issued only to persons who meet the physical and mental requirements for licensure as a professional boxer.

(c) The operator of a professional boxers' training gymnasium shall inspect and log daily on a form approved by the commission the professional boxing license or sparring permit of any individual who wishes to use the gymnasium for sparring or boxing and no person shall do so unless that person has a valid and current license or permit. Individuals described in subdivision (a) shall be exempt from these requirements. (Amended by Stats. 1998, Ch. 879 (S.B. 2238) Sec. 26.7.)

**§ 18645. ADVISORY COMMITTEE ON  
MEDICAL AND SAFETY  
STANDARDS – MEMBERS –  
MEETINGS – TERM.**

There is hereby created within the jurisdiction of the State Athletic Commission an Advisory Committee on Medical and Safety Standards.

The committee shall consist of six licensed physicians and surgeons appointed by the commission. The commission may call meetings of those physicians and surgeons at such times and places as it deems appropriate for the purpose of studying and recommending medical and safety standards for the conduct of boxing, wrestling, and martial arts contests.

It shall require a majority vote of the commission to appoint a person to the committee. Each appointment shall be at the pleasure of the commission for a term not to exceed four years. (Added by Stats. 1986, Ch. 1095, Sec. 4.)

**§ 18646. AMATEUR BOXING, WRESTLING  
AND FULL CONTACT MARTIAL  
ARTS CONTESTS.**

(a) This chapter applies to all amateur boxing, wrestling, and full contact martial arts contests.

(b) The commission may, however, authorize a non-profit boxing, wrestling, or martial arts club or organization, upon approval of its bylaws, to administer its rules and may, therefore, waive direct commission application of laws and rules, including licensure, subject to the commission's affirmative finding that the standards and enforcement of similar rules by that club or organization meet or exceed the safety and fairness standards of the commission. The commission shall review the performance of any such club or organization annually.

(c) Every contest subject to this section shall be preceded by a physical examination, specified by the commission, of every contestant. A physician shall be in attendance at the contest. There shall be a medical insurance program satisfactory to the commission provided by the amateur club or organization in effect covering all contestants. The commission shall review compliance with these requirements.

(d) Any club or organization which conducts, holds, or gives amateur contests pursuant to this section, which collects money for the event, shall furnish a written financial report of receipts and disbursements within 90 days of the event.

(e) The commission has the right to have present without charge or restriction such representatives as are necessary to obtain compliance with this section.

(f) The commission may require any additional notices and reports it deems necessary to enforce the provisions of this section. (Amended by Stats. 1986, Ch. 1095, Sec. 5.)

**§ 18648. STANDARDS FOR LICENSURE.**

The commission shall prescribe standards as necessary, for the licensure of any persons required to be licensed by this chapter or by the commission's regulations. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18653. LICENSE REQUIRED BY  
PROFESSIONAL BOXERS'  
TRAINING GYMNASIUMS –  
APPLICATION AND FEE.**

(a) No person shall conduct or operate a professional boxers' training gymnasium unless he or she has a license issued by the commission under this chapter.

(b) Any application to conduct or operate a professional boxers' gymnasium shall contain facts which show compliance with this chapter and shall provide any other information the commission may require.

(c) The application shall include the fee required in Section 18817.

(d) This section shall not apply to a training camp established by a professional boxer for his or her sole use.

(e) As used in this chapter:

(1) A "professional boxers' training gymnasium" means a gymnasium, the principal business of which is the providing of training facilities for professional boxers, and in which either or both of the following occur:

(A) A fee is charged to professional boxers for the use of the gymnasium facilities.

(B) A fee is charged to persons who view the training of professional boxers.

(2) "Principal business" means the use of the gymnasium for the providing of training facilities for professional boxers which either accounts for more than 50 percent of the annual gross income of the gymnasium, or accounts for more than 50 percent of its total use. (Amended by Stats. 1987, Ch. 56, Sec. 13.)



**§ 18654. NECESSITY TO REPORT AN INJURY OR KNOCKOUT OF PROFESSIONAL BOXER.**

Failure of a licensed training gymnasium owner or operator, fighter, boxer, trainer, second, or manager to report to the commission an injury or knockout of a licensed boxer or fighter or the holder of a sparring permit shall be grounds for the suspension of their license pursuant to this chapter. (Added by Stats. 1989, Ch. 264, Sec. 3.)

**§ 18655. NO CHAPTER APPLICABILITY TO CONTESTS UNDER FEDERAL GOVERNMENT CONTROL.**

This chapter does not apply to any contest conducted under the supervision or control of an entity of the United States Government. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18656. INAPPLICABILITY TO CONTESTS BY OR FOR SCHOOLS, COLLEGES, UNIVERSITIES.**

This chapter does not apply to any contest conducted by, or participated in exclusively by, any school, college, or university, or by any association or organization composed exclusively of schools, colleges, or universities when each contestant in such contest is a bona fide student regularly enrolled for not less than one-half time in a school, college, or university. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

## **ARTICLE 4. APPLICATIONS**

**§ 18660. CONTENTS OF LICENSE APPLICATION – FEE.**

Any person desiring a license issued under this chapter shall submit an application to the commission on an application form provided by the commission. The application shall contain any and all information requested by the commission and be accompanied by any fee required in Article 10. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18661. REVIEW AND INVESTIGATIONS OF APPLICATION AND APPEAL FROM DENIAL.**

The executive officer or his or her designee shall review and investigate all applications filed with the commission. The executive officer or designee shall file a written recommendation over his or her signature with regard to the granting or denial of the license. The executive officer or his or her designee shall also, when directed by the commission, investigate appeals from the denial by the commission of any license. The findings from such investigation shall be reported to the commission. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18662. APPEARANCE BEFORE COMMISSION BY APPLICANT.**

Any applicant for a license may be required to appear before the commission as it or the executive officer may deem necessary. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18665. APPLICATION CONTENTS – FINANCIAL INFORMATION AND SIGNATURES REQUIRED.**

(a) All applications for a promoter's license shall contain a true statement of all persons connected with or having a proprietary interest in the promoter.

(b) Any person connected with, or having a proprietary interest in, an applicant for a promoter's license shall provide the commission with such financial information, or access to such financial information, as the commission deems necessary in order to determine whether the applicant is financially responsible.

(c) Any application for a promoter's license shall be signed under penalty of perjury by the sole proprietor, a general partner, or an officer of the corporation or association, as the case may be. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18666. REQUIRED COMMISSION APPROVAL ON CHANGE OF PERSONNEL BY PROMOTER.**

All promoters shall submit in writing for prior approval by the commission, any change at any time in the persons connected with or having a proprietary interest in the promoter, including any change in the shareholders of a corporate entity. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18667. REAL PARTY IN INTEREST REQUIREMENT.**

The commission shall not issue any promoter's license to an applicant unless the commission is satisfied that the applicant is the real party in interest, and intends to conduct, hold, or give such contests itself. In no case shall the commission issue a license to a promoter unless, the promoter will receive at least 25 percent of the net receipts of any promotion. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18668. CO-PROMOTIONS – REGULATIONS.**

Licensed promoters may engage in promotions with other licensed promoters, so long as each promoter holds a valid, unexpired license, and receives the written approval of the commission prior to the promotion. The co-promoters shall file a bond or bonds sufficient to meet the requirements of Section 18680. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18673. APPLICATION FOR MANAGER'S LICENSE – REQUIRED STATEMENT AND SIGNATURES.**

(a) All applications for a manager's license shall contain a true statement of all persons connected with, or having a proprietary interest in, the management of the boxer or martial arts fighter.

(b) Any application for a manager's license shall be signed under penalty of perjury by the sole proprietor, a general partner, or an officer of the corporation or association, as the case may be. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18674. CHANGES IN PERSONNEL CONNECTED WITH MANAGING – WRITTEN NOTIFICATION TO COMMISSION.**

All managers shall submit in writing, for prior approval by the commission, any change at any time in the persons connected with or having a proprietary interest in the management of the boxer or martial arts fighter, including any change in the shareholders of a corporate entity. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18679. TEMPORARY PERMITS.**

The commission may issue temporary permits prior to licensure, as provided by regulations of the commission. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**ARTICLE 5.  
BONDS****§ 18680. BOND REQUIRED PRIOR TO ISSUANCE OF CLUB LICENSE FOR PROFESSIONAL CONTEST OR MATCH.**

Before any license is issued to any club to conduct, hold, or give a contest or match, other than an amateur contest or match, the applicant shall file a bond with the commission, in an amount determined by the commission, conditioned for the faithful performance by the club of the provisions of this chapter. For the purpose of this section, "faithful performance by the club" shall include the cancellation of a contest or match without good cause once the contest or match has been approved by the commission.

After the issuance of a license to a club, the commission may modify the amount of a bond to insure adequate coverage for payments specified in Section 18684. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18681. BOND REQUIREMENT PRIOR TO ISSUANCE OF CLUB LICENSE FOR AMATEUR CONTEST OR MATCH.**

Before any license is issued to any club to conduct, hold, or give an amateur contest or match, the applicant shall file a bond with the commission in an amount not less than one thousand dollars (\$1,000), conditioned for the faithful performance by the club of the provisions of this chapter. For the purpose of this section, "faithful performance by the club" shall include the cancellation of a contest or match without good cause once the contest or match has been approved by the commission. (Repealed and added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18684. BOND GUARANTEES.**

The bonds required under this article shall guarantee, in order of priority, the payment of all taxes and fines due and payable to the state, the payment of contributions for medical insurance and to the pension fund, the payment of assessments for neurological examinations, as specified in subdivision (c) of Section 18711, the payment of the purses to the competitors, the repayment to consumers of purchased tickets, the payment of fees to the referees, judges, timekeepers, and physicians, and in the event of the cancellation of a contest or match approved by the commission without good cause, an amount determined by the commission which does not exceed the commission's actual cost in

connection with the approval of the contest or match. The circumstances and allocation of bond payment shall be determined by the commission. (Amended by Stats. 1986, ch. 1095, 1996 ch. 377)

### **§ 18685. BOND EQUIVALENTS.**

For the purposes of this article, a certificate of deposit payable to the commission, or a savings account assigned to the commission, shall be considered equivalent to a bond as provided in Section 995.710 of the Code of Civil Procedure, and shall be acceptable to the commission upon such terms and conditions as it may prescribe. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

## **ARTICLE 7. REGULATION OF CONTESTS**

### **§ 18700. SAFETY REGULATION COMPLIANCE FOR STRUCTURES.**

All buildings or structures used or intended to be used to conduct, hold, give a contest or match, or exhibition shall be safe and shall conform to the laws, ordinances, and regulations pertaining to the buildings in the jurisdiction where the building or structure is situated. (Amended by Stats. 1989, Ch. 757, Sec. 9.)

### **§ 18701. THROWING OBJECTS; POSTING OF NOTICE.**

There shall be posted in public view at every place that a contest is held a notice in English and Spanish which states that it is unlawful to throw any object in the direction of the ring. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

### **§ 18702. MINIMUM AGE FOR PARTICIPANTS.**

No person under the age of 18 years shall participate as a contestant in any contest or match or exhibition, except that any person 16 years or over may be licensed as an amateur and may participate in an amateur contest or match. (Amended by Stats. 1989, Ch. 757, Sec. 10.)

### **§ 18703. PROHIBITION AGAINST SALE OF TICKETS AT MORE THAN INDICATED ON TICKET.**

All admission tickets to any contest or exhibition shall have printed clearly upon the face thereof the pur-

chase price of the ticket, and no ticket shall be sold for more than that price. The tickets shall have the number of the ticket printed clearly on both ends of the ticket. (Amended by Stats. 1989, Ch. 757, Sec. 11.)

### **§ 18705. LICENSED PHYSICIAN APPROVED BY COMMISSION IN ATTENDANCE AT CONTEST – FEE SCHEDULE.**

Every promoter shall have at its own expense in attendance at every contest, a licensed physician approved by the commission who has had not less than three years experience in the practice of medicine since licensure, who shall perform the physical examination of the contestants and observe the physical condition of the contestants during the contest or match.

The services of the physician shall be paid according to a schedule of fees adopted by the commission. The fees shall be paid by the club to the commission, and it shall remit the payment to the physician. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

### **§ 18705.5. ADOPTION OF REGULATIONS.**

The commission shall adopt regulations detailing the criteria for approval of a licensed physician pursuant to Section 18705. (Added by Stats. 1989, Ch. 471, Sec. 1.)

### **§ 18706. PHYSICIAN'S EXAMINATION; REPORT.**

No later than one hour before the contestants enter the ring, the physician provided for in Section 18705 shall certify in writing as to the contestant's physical condition to engage in such contest or match. A report of the medical examinations shall be filed with the commission not later than 24 hours after the termination of the contest or match. The physician's report of the examination shall include specific mention as to the condition of the contestant's heart, nerves and brain. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

### **§ 18707. AUTHORITY OF PHYSICIAN TO STOP MATCH.**

A physician in attendance at any contest or match pursuant to Section 18705 shall have the authority to stop any contest or match that is conferred upon the referee. The physician's authority shall be limited to a medically related injury and the physical condition of a contestant. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

### **§ 18710. ORDERING OF SPECIAL MEDICAL EXAMINATION – COMMISSIONER DISCRETION.**

In its discretion, the commission may order a special medical examination to be undertaken by any licensee, the report of which shall be made to the commission. The cost of the examination shall be shared equally by the commission and the licensee. (Repealed and added by Stats. 1985, Ch. 1092, Sec. 2.)

### **§ 18711. MANDATORY EXAMINATION BY SPECIALIST IN NEUROLOGY OR NEUROSURGERY.**

(a) The commission shall require, as a condition of licensure and as a part of the application process, the examination by a licensed physician and surgeon who specializes in neurology and neurosurgery of each applicant for a license as a professional boxer or, if for the renewal of a license, this examination every year, in addition to any other medical examinations. The physician may recommend any additional tests he or she deems necessary. On the basis of that examination and any additional tests that are conducted, the physician may recommend to the commission whether the applicant may be permitted to be licensed in California or not. The executive officer shall review these recommendations and report any denials of licensure. If, as a result of these recommendations, the executive officer refuses to grant the applicant a license or to renew a license, the applicant shall not box in California until the denial has been overruled by the commission as provided in this chapter.

(b) In the event that an applicant for licensure as a professional boxer undergoes a neurological examination for purposes of licensure within the 120-day period immediately preceding the normal expiration of that license the applicant shall not be required to undergo an additional neurological examination within the following calendar year unless the commission, for cause, orders that the examination be taken. The commission shall notify all commission approved physicians and referees that the commission has the authority to order any professional boxer to undergo a neurological examination.

(c) The cost of the examinations required by this section shall be paid from assessments on any one or more of the following: promoters of professional boxing matches, managers, and professional boxers in California. The rate and manner of assessment shall be set by the commission, without the requirement of adoption of regulations, and shall cover all costs associated with the requirements of this section. This assessment shall

be imposed on all professional boxing matches which occur on and after January 1, 1986. As of July 1, 1994, all moneys received by the commission pursuant to this section shall be deposited in and credited to the Boxers' Neurological Examination Account which is hereby created in the General Fund. (Added by Stats. 1985, Ch. 1242, Sec. 1, 1993 ch. 1057, amended 1994 ch. 150, urgency eff. July 11, 1994, 1996 ch. 377.)

### **§ 18712. LICENSURE – TEST TO DETECT HIV ANTIBODIES OR HBV ANTIGEN.**

(a) Notwithstanding any other provision of law, any person applying for a license or the renewal of a license as a professional boxer or a professional martial arts fighter shall present documentary evidence satisfactory to the commission that the applicant has been administered a test, by a laboratory in the United States that possesses a certificate under the Clinical Laboratory Improvement Act (42 U.S.C. Sec. 263a), to detect the presence of antibodies to the human immunodeficiency virus (HIV) and to detect the presence of the antigen of virus hepatitis type B (HBV) within 30 days prior to the date of the application and that the results of both tests are negative.

(b) Information received under this section and any other medical information about an applicant or licensee shall be confidential and not subject to discovery or subpoena. If the commission denies a license or the renewal of a license or suspends or revokes a license because of a licensee's HIV antibody status or HBV antigen status, it shall state only that the action was taken for medical reasons. An applicant or licensee may appeal the commission's denial, suspension, or revocation of a license under this section. The commission shall notify each person in writing of his or her right to a closed hearing for that appeal. An applicant or licensee must make a request for a hearing to the commission within 30 days of receiving notification from the commission of the applicant's or licensee's right to a hearing. (1996 ch. 376)

### **§ 18714. CALLING MEETINGS OF LICENSED PHYSICIANS AND SURGEONS AS NECESSARY – EXPENSES.**

For the purpose of studying and recommending medical and safety standards for the conduct of boxing and martial arts, the commission may call meetings of those licensed physicians and surgeons as it deems necessary at such times and places it deems appropriate. The commission is authorized to pay the necessary traveling expenses and per diem, as provided in Section 103, to the committee members in attendance at these meetings. (Amended by Stats. 1989, Ch. 757, Sec. 12.)

**§ 18720. LIMIT OF NUMBER OF ROUNDS IN BOXING CONTEST – REQUIRED REST.**

No boxing contest or match shall be more than 12 rounds or not more than three minutes each in length, except that championship contests may, if the written approval of the commission is first obtained, be 15 rounds of not more than three minutes each in length. The commission may limit the number of rounds in a contest within the maximum.

There shall be one minute rest between consecutive rounds. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18721. FREQUENCY OF PARTICIPATION IN CONTESTS.**

The commission may by rule specify the frequency with which boxers may participate in a contest. (Repealed and added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18723. SPECIFICATION FOR BOXING GLOVES.**

All gloves used by contestants in professional and amateur boxing contests or matches shall be approved by the commission and constructed so that:

(a) The thumb is not detached from the glove in such a manner that injury could result.

(b) The soft padding between the outside coverings shall be evenly distributed over the back of the gloves, and cover the knuckles and back of the hands.

(c) All paddings shall be consistent with the best available material and technology in order to reduce the cumulative effects of repetitive impacts. (Repealed and added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18724. SPECIFICATIONS FOR BOXING RING FLOOR.**

All professional and amateur boxing contests or matches shall be performed on a ring floor and padding which meet at least the following specifications:

(a) The ring floor shall be constructed of 1 ¼ inch plywood.

(b) The ring floor padding shall be of 1 ¾ inch thickness consisting of closed cellular foam in combination with high density polyvinylchloride (PVC) bonded together in solid sections, or equivalent covering. (Repealed and added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18725. COMMISSION DISCRETION TO ESTABLISH OTHER SAFETY SPECIFICATIONS.**

In addition to the requirements of this act, the commission may establish glove weights, equipment standards, safety standards, and the length of rounds in order to protect the health and safety of contestants. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18728. WEIGHT AND CLASSES OF CONTESTANTS.**

The commission shall establish by rule the weight spreads and classes of contestants. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18730. REFEREES' DUTIES TO DIRECT AND CONTROL AT MATCH.**

A referee shall be in attendance and direct and control at every boxing contest. Referees shall enforce the rules of the commission at every boxing contest. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18731. PHYSICIANS AND REFEREES OBLIGED TO PARTICIPATE IN COMMISSION SPONSORED CLINICS.**

No referee or physician shall be assigned to a boxing contest who has not participated in a clinic sponsored by the commission in accordance with this section in the preceding six months.

Clinics shall include, among other things, the subjects of the rules of the commission, the recognition and diagnosis of serious or life-threatening, boxing-related and neurological injuries and disorders, and refereeing a bout.

The commission is authorized to pay any necessary and authorized travel expenses of referees and physicians who attend such clinics. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18732. APPOINTMENT OF AND DUTIES OF CHIEF SECOND AT CONTEST.**

Before starting a contest, the referee shall ascertain from each contestant, the name of his or her chief second, and shall hold such chief second responsible for the conduct of assistants during the contest. (Repealed and added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18733. GROUNDS FOR MANDATORY STOPPING OF CONTEST.**

The referee shall stop a contest when a contestant shows a marked superiority, or is apparently outclassed. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18734. FUNCTIONS OF SCORING OFFICIALS AND REFEREES – USE OF JUDGES.**

(a) The commission shall designate the scoring officials for each contest.

(b) The referee may render a decision at the end of a boxing contest if authorized by a representative of the commission.

(c) The commission may require that judges be used in conjunction with the referee at any boxing contest. (Amended by Stats. 1986, Ch. 1095, Sec. 8.)

**§ 18735. RIGHTS, IMMUNITIES OF REFEREES AND OTHER OFFICIALS.**

Referees and other boxing officials appointed by the commission while performing duties required under this chapter by the commission shall be entitled to the same rights and immunities granted to public employees by the provisions of Article 3 (commencing with Section 820), Chapter 1, Part 2, Division 3.6, Title 1 of the Government Code. The provisions of this section shall not be construed to affect, create, or destroy any rights or obligations of any public or private employer of a referee or other boxing official. (Repealed and added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18738. PROHIBITION AGAINST RABBIT OR KIDNEY PUNCHES – DETERMINATION OF USE – CONSEQUENCES.**

(a) A boxer who intentionally hits a contestant with a rabbit punch or with a punch on that part of the body over the kidneys shall be penalized by the loss of a point for each such punch.

(b) Determination that a boxer has violated this section shall be made at the end of the round in which the violation occurred and prior to the next round by the referee or, if judges are used in conjunction with the referee, by any two officials. Upon such a determination, each such official shall penalize the boxer pursuant to subdivision (a).

(c) Upon a determination that this section has been violated, the referee shall inform both boxers and their

managers at the end of the round in which the violation occurred and prior to the next round, and inform the audience of the penalty thus assessed. In any such case, the rest period may be extended by the referee. (Repealed and added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18740. PERFORMANCE CARDS USE.**

(Repealed by Stats. 1998, Ch. 970)

**§ 18748. EXEMPTION, IF REQUIRED FOR CHAMPIONSHIP CONTEST – USE OF ALTERNATE PROVISIONS – SAFETY AND WELFARE PROTECTION.**

Recognizing the need for uniformity in championship contests, the commission may exempt championship contests from any provision of this chapter and authorize alternate provisions as long as the safety and welfare of the boxers and the public are not jeopardized. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**ARTICLE 8.  
AMATEUR BOXING****§ 18750. QUALIFYING FOR APPEARANCE IN AMATEUR BOXING CONTEST.**

No person shall appear as a contestant in any amateur boxing contest who has received any compensation or reward, except for actual expenses or trophies, in any form, for displaying, exercising, or giving any example of his or her skill in knowledge of boxing exercises, or for rendering services of any kind to any boxing organization, or to any person or persons as trainer, coach, instructor or otherwise, or who shall have been employed in any manner professionally by reason of his or her boxing skill or knowledge. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18751. LIMITATION OF AWARDS.**

Except as provided in Section 18752, only an award may be given to each contestant in any amateur boxing contest which does not exceed the sum of five hundred dollars (\$500). No portion of an admission fee or fees charged or received for any boxing contest shall be paid or given, either directly or indirectly, to any contestant in an amateur boxing contest. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18752. NO PAYMENT TO AMATEUR BOXING COACH, TRAINER, OR MANAGER – EXPENSES ALLOWED.**

Unless the written permission of the commission is first obtained, it is a misdemeanor for any promoter to pay or cause to be paid to any coach, trainer, or manager of any amateur boxer participating in a contest, any sum of money other than the actual traveling and per diem expenses incurred by such coach, trainer, or manager and amateur boxer in traveling to and from their respective residences to the boxing contest in an amount to be determined by the commission. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18755. USE OF BANDAGES ON HANDS – SPECIFIC LIMITATIONS.**

No contestant in an amateur boxing contest shall use any bandage on his or her hand or arm except soft surgical bandages not over two inches wide and ten yards in length for each hand, and one winding of surgeon's adhesive tape not over 1 ½ inches wide placed directly on the hand to protect that part of the hand near the wrist. This may cross the back of the hand twice, but not extend within one inch of the knuckles. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18756. DURATION OF BOXING ROUNDS.**

No amateur boxing contest shall be more than four rounds of not more than two minutes each, or three rounds of three minutes each, in length.

There shall be one minute rest between rounds. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18757. GROUNDS FOR STOPPING AMATEUR CONTEST – ASSISTANCE OF OTHER IN STOPPING CONTEST.**

At every amateur boxing contest, any representative of the commission shall stop the contest whenever it appears that the contestants are unevenly matched, either of them has been seriously injured, or that there is danger that either of them will be seriously injured if the contest continues. The person may call to his or her assistance in enforcing an order to stop the contest, as many peace officers or able-bodied citizens of the state as may be necessary. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18758. VAUDEVILLE SHOWS, DANCES, ENTERTAINMENT IN CONJUNCTION WITH AMATEUR CONTEST.**

No amateur boxing contest shall be held in conjunction with vaudeville shows, dances, or entertainments of any sort. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**ARTICLE 9.  
MARTIAL ARTS****§ 18760. DISTINGUISHING USE OF TERMS IN ARTICLE.**

Except as otherwise provided by this article, "boxing" as used in this chapter includes "kickboxing" and "martial arts." Sections 18720, 18721, 18723, 18725, 18728, 18755, and 18756, and Article 15 (commencing with Section 18870) shall not apply to kickboxing and martial arts. (Amended by Stats. 1986, Ch. 1095, Sec. 9.)

**§ 18761. RULES AND REGULATIONS.**

Rules and regulations of the commission relating to professional boxing shall apply to kickboxing and martial arts, except where specifically excluded by the commission's regulations. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18763. COMMISSION REGULATION IN ACCORDANCE WITH SECTION 18640.**

The commission shall by rule and regulation, regulate kickboxing and martial arts in accordance with Section 18640. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18765. LENGTH AND DURATION OF CONTESTS – USE OF PROTECTIVE GEAR.**

The commission shall, by rule and regulation, prescribe the length and duration of professional and amateur kickboxing and martial arts contests, the weight classifications, the manner in which the contestants engage in such contests, and such further safeguards and conditions as shall insure fair, sportsmanlike, and scientific contests.

No contest shall be conducted unless each contestant uses protective gear approved by the commission. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18766. PROTECTIVE HEADGEAR –  
MANDATORY FOR CONTESTANTS  
UNDER 18.**

Every contestant in an amateur kickboxing or martial arts contest under the age of 18 years shall wear protective headgear approved by the commission. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18767. INAPPLICABILITY OF CHAPTER TO  
NONCONTRACT CONTESTS.**

This chapter shall not apply to light and noncontact kickboxing and martial arts, and kickboxing and martial arts instruction and schools. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18768. COMMISSION ACTING AS  
SANCTIONING OR TITLE  
GRANTING BODY – PROHIBITION.**

The commission shall not function as a sanctioning body, nor shall it grant titles to fighters or to individual events. This function shall be retained by such professional and amateur full-contact kickboxing and martial arts associations operating on a local, statewide, regional, national or international level, which shall, when operating in California, observe such rules and regulations adopted by the commission. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18769. ADVISORY COMMITTEE –  
MEMBERSHIP.**

(a) The commission may appoint an advisory committee to advise the commission on the provisions of this article.

(b) The advisory committee shall be composed of individuals, residing in California, who have prior to their appointment, been promoters, fighters, trainers, managers, or officials in publicly held kickboxing or full-contact martial arts events.

The advisory committee may elect its own officers. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**ARTICLE 10.  
WRESTLING EXHIBITIONS**

**§§ 18770 – 18777. ENACTED 1985. REPEALED  
1989 CH. 757.**

**ARTICLE 12.  
REVENUE AND FISCAL AFFAIRS**

**§ 18800. GENERAL FUND; SPECIAL  
ACCOUNTS.**

(a) As of July 1, 1994, all moneys received by the commission under the provisions of this chapter shall be accounted for and reported by detailed statements furnished by the commission to the Controller at least once a month, and at the same time, such moneys shall be remitted to the Treasurer and shall be deposited in the General Fund.

(b) All moneys deposited in the General Fund pursuant to Section 18800 which have been received by the commission pursuant to Section 18882, are hereby continuously appropriated for purposes of the pension plan established under Section 18881. (Added by Stats. 1985, Ch. 1092, Sec. 2, Amended 1993 ch. 1057; 1994 ch. 150 urgency eff. July 11, 1994; 1996 ch. 377.)

**§ 18801. SALARIES AND EXPENSES.**

The salaries and expenses of the members and employees, and the operating expenses of the commission shall be paid by the Treasurer on the warrant of the Controller from the funds appropriated therefore upon the certification of the executive officer. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18802. APPLICABILITY OF LAWS OF STATE  
GOVERNING FISCAL MATTERS OF  
AGENCIES.**

The commission is, with respect to accounting, auditing, budget, financial and personal matters, subject to all laws and requirements now or hereafter imposed by law upon, or applicable to state agencies. (Repealed and added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18804. PROMOTER'S FEE.**

The application and renewal fee for a license to promote or conduct a professional contest or exhibition shall be one thousand dollars (\$1,000). (Amended by Stats. 1989, Ch. 757, Sec. 14, 1993 ch. 1057.)

**§ 18805. AMATEUR PROMOTER'S FEE.**

The application and renewal fee for a license to promote or conduct amateur boxing contests shall be two hundred fifty dollars (\$250). (Added by Stats. 1986, Ch. 1095, Sec. 10, 1993 ch. 1057.)



**§ 18806. MATCHMAKER'S FEE.**

The application and renewal fee for a boxing, kickboxing, or martial arts matchmaker's license shall be two hundred dollars (\$200). (Added by Stats. 1985, Ch. 1092, Sec. 2, 1993 ch. 1057.)

**§ 18807. ASSISTANT BOXING, KICKBOXING, MARTIAL ARTS MATCHMAKER LICENSE FEE.**

The application and renewal fee for a boxing, kickboxing, or martial arts assistant matchmaker's license shall be two hundred dollars (\$200). (Added by Stats. 1985, Ch. 1092, Sec. 2; 1993 ch. 1057.)

**§ 18808. BOOKING AGENT'S LICENSE FEE.**

The application and renewal fee for a booking agent's license shall be two hundred dollars (\$200). (Added by Stats. 1993, ch. 1057.)

**§ 18809. PROFESSIONAL BOXER, KICKBOXER, OR MARTIAL ARTS FIGHTER LICENSE FEE.**

The application and renewal fee for a professional boxer, kickboxer, or martial arts fighter license shall be sixty dollars (\$60). (Amended by Stats. 1989, Ch. 757, Sec. 16, 1993 ch. 1057.)

**§ 18810. MANAGER'S LICENSE FEE – BOXING, KICKBOXING, MARTIAL ARTS.**

The application and renewal fee for a boxing, kickboxing, and martial arts manager's license shall be one hundred fifty dollars (\$150). (Added by Stats. 1985, Ch. 1092, Sec. 2, 1993 ch. 1057.)

**§ 18811. TRAINER'S, SECOND'S FEE.**

The application and renewal fee for a boxing, kickboxing, and martial arts trainer's license, chief second's and second's license shall be fifty dollars (\$50). (Added by Stats. 1985, Ch. 1092, Sec. 2, 1993 ch. 1057.)

**§ 18812. PROFESSIONAL REFEREE'S, JUDGE'S FEE.**

The application and renewal fee for a professional boxing, kickboxing, and martial arts referee's or judge's license shall be one hundred fifty dollars (\$150). (Amended by Stats. 1989, Ch. 757, Sec. 17, 1993 ch. 1057.)

**§ 18813. AMATEUR REFEREE'S, JUDGE'S FEE.**

The application and renewal fee for an amateur boxing, kickboxing, and martial arts referee's and judge's license shall be seventy-five dollars (\$75). (Added by Stats. 1985, Ch. 1092, Sec. 2, 1993 ch. 1057.)

**§ 18814. TIMEKEEPER'S LICENSE APPLICATION AND RENEWAL FEE.**

The application and renewal fee for a timekeeper's license shall be fifty dollars (\$50) unless the commission establishes a lower fee by regulation. (Added by Stats. 1985, Ch. 1092, Sec. 2, 1993 ch. 1057; 1996, c. 1137.)

**§ 18815. SPARRING PERMIT FEE.**

The application and renewal fee for a sparring permit shall be twenty-five dollars (\$25). (Added by Stats. 1993 ch. 1057.)

**§ 18817. PROFESSIONAL BOXERS' TRAINING GYMNASIUM LICENSE FEE.**

The application and renewal fee for professional boxers' training gymnasium shall not exceed two hundred dollars (\$200). (Added by Stats. 1985, Ch. 1092, Sec. 2; 1993 ch. 1057.)

**§ 18819. SIMULTANEOUS TELECAST PERMIT FEE.**

The fee for a simultaneous telecast permit under Section 18831 shall be fifty dollars (\$50) per event. (Added by Stats. 1985, Ch. 1092, Sec. 2, 1993 ch. 1057.)

**§ 18822. RENEWAL TIME – EXPIRATION DATE.**

A license may be renewed at any time prior to midnight on December 31 of the year in which it was issued. If not renewed, the license shall expire at that time. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18824. REPORT OF TICKETS ISSUED AND SOLD – GROSS RECEIPTS – GROSS PRICE CHARGED FOR BROADCAST AND TELEVISION RIGHTS – TAX ON ADMISSION.**

**[FIRST OF TWO; OPERATIVE UNTIL JANUARY 1, 2006]**

(a) Except as provided in Sections 18646 and Section 18832, every person who conducts a contest or wrestling exhibition shall, within 72 hours after the determination of every contest or wrestling exhibition for which admission is charged and received, furnish to the commission a written report executed under penalty of perjury by one of the officers, showing the number of tickets issued or sold for the contest or wrestling exhibition, the amount of the gross receipts or value thereof, and the gross price charged directly or indirectly and no matter by whom received, for the sale, lease, or other exploitation of broadcasting and television rights of the contest or wrestling exhibition, and without any deductions, except for expenses incurred for one broadcast announcer, telephone line connection, and transmission mobile equipment facility, which may be deducted from the gross taxable base when those expenses are approved by the commission. The person shall also, within the same time, pay to the commission a fee of 5 percent, exclusive of any federal taxes paid thereon, of the amount paid for admission to the contest or wrestling exhibition, except that for any one boxing contest, the fee shall not exceed the amount of one hundred thousand dollars (\$100,000), and a fee of up to 5 percent of the gross price as described above for the sale, lease, or other exploitation of broadcasting or television rights thereof, except that in no case shall the fee be less than one thousand dollars (\$1,000). The minimum fee for an amateur contest or exhibition shall not be less than five hundred dollars (\$500). The amount of the gross receipts upon which the fee provided for in this section is calculated shall not include any assessments levied by the commission under Section 18711.

The fee on admission shall apply to the amount actually paid for admission and not to the regular established price.

No fee is due in the case of a person admitted free of charge. However, if the total number of persons admitted free of charge to a boxing, kickboxing, or martial arts contest or wrestling exhibition exceeds 25 percent of the total number of spectators, then a fee of one dollar (\$1) per complimentary ticket or pass used to gain admission to the contest shall be paid to the commission for each complimentary ticket or pass that ex-

ceeds the numerical total of 25 percent of the total number of spectators.

(b) If the fee on admissions for any one boxing contest exceeds seventy thousand dollars (\$70,000), the amount in excess of seventy thousand dollars (\$70,000) shall be paid one-half to the commission and one-half to the Boxers' Pension Account.

(c) As used in this section, "person" includes a promoter, club, individual, corporation, partnership, association or other organization, and "wrestling exhibition" means a performance of wrestling skills and techniques by two or more individuals, to which admission is charged or which is broadcast or televised, in which the participating individuals are not required to use their best efforts in order to win, and for which the winner may have been selected before the performance commences.

(d) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

**§ 18824. [SECOND OF TWO; OPERATIVE JANUARY 1, 2006]**

(a) Except as provided in Sections 18646 and Section 18832, every person who conducts a contest or wrestling exhibition shall, within 72 hours after the determination of every contest or wrestling exhibition for which admission is charged and received, furnish to the commission a written report executed under penalty of perjury by one of the officers, showing the number of tickets issued or sold for the contest or wrestling exhibition, the amount of the gross receipts or value thereof, and the gross price charged directly or indirectly and no matter by whom received, for the sale, lease, or other exploitation of broadcasting and television rights of the contest or wrestling exhibition, and without any deductions, except for expenses incurred for one broadcast announcer, telephone line connection, and transmission mobile equipment facility, which may be deducted from the gross taxable base when those expenses are approved by the commission. The person shall also, within the same time pay to the commission a 5 percent fee, exclusive of any federal taxes paid thereon, of the amount paid for admission to the contest or wrestling exhibition, and up to 5 percent of the gross price as described above for the sale, lease, or other exploitation of broadcasting or television rights thereof, except that in no case shall the fee be less than one thousand dollars (\$1,000).

(b) The minimum fee for an amateur contest or exhibition shall not be less than five hundred dollars (\$500). The amount of the gross receipts upon which

the fee provided for in this section is calculated shall not include any assessments levied by the commission under Section 18711.

The fee on admission shall apply to the amount actually paid for admission and not to the regular established price.

No fee is due in the case of a person admitted free of charge; provided, however, if the total number of persons admitted free of charge to a boxing, kickboxing, or martial arts contest or wrestling exhibition exceeds 25 percent of the total number of spectators, then a fee of one dollar (\$1) per complimentary ticket or pass used to gain admission to the contest shall be paid to the commission for each complimentary ticket or pass that exceeds the numerical total of 25 percent of the total number of spectators.

(c) As used in this section, "person" includes a promoter, club, individual, corporation, partnership, association or other organization, and "wrestling exhibition" means a performance of wrestling skills and techniques by two or more individuals, to which admission is charged or which is broadcast or televised, in which the participating individuals are not required to use their best efforts in order to win, and for which the winner may have been selected before the performance commences.

(d) This section shall become operative on January 1, 2006.

(Amended by Stats. 1989, Ch. 757, Sec. 17.5; 1993 ch. 1057; 1994 chs. 1010, 1275.)

#### **§ 18825. COMMISSION REPRESENTATIVE ASSISTANCE IN COUNTING AND REPORTING GROSS RECEIPTS AND TAXES COLLECTED.**

An inspector or other representative of the commission duly authorized by the executive officer shall be admitted to the box office, and is authorized to assist in the counting of tickets and in the computation of the tax due thereon, and to take any other action necessary for the administration and enforcement of this chapter. The inspector or other representative shall immediately mail to the commission the official statement of gross receipts received by him or her from the promoter. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

#### **§ 18826. AUTHORITY TO EXAMINE RECORDS.**

Whenever any promoter fails to make a report of any contest or wrestling exhibition within the period prescribed by this chapter, or whenever such report is

unsatisfactory to the commission, the executive officer, or his or her duly authorized representative may examine, or cause to be examined, the books and records of the promoter and any other persons or organizations, and subpoena and examine under oath, such persons for the purpose of determining the total amount of the gross receipts for any contest or wrestling exhibition and the amount of tax due pursuant to this chapter, which tax he or she may fix and determine as a result of such examination. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

#### **§ 18827. ACTION; DELINQUENT FINANCIAL REPORTS.**

If a promoter fails to pay any tax ascertained to be due under this chapter, in addition to the costs of the examination under Section 18826, if any, within 30 days after receipt of notice by the executive officer, the commission may without hearing revoke or suspend the promoter's license and authorize the Attorney General to bring an action in superior court to collect the amount due, any fines authorized by this chapter, and attorney's fees.

The action shall be speedily determined by the court and shall take precedence over all matters pending therein except criminal cases, applications for injunction or other matters to which special precedence has been given by law. (Amended by Stats. 1986, Ch. 1095, Sec. 13.)

### **ARTICLE 13. CLOSED CIRCUIT TELECAST REVENUE**

#### **§ 18830. "PERSON" – "CLOSED CIRCUIT TELECAST."**

As used in this article:

(a) "Person" includes a promoter, club, individual, corporation, partnership, limited liability company, association or other organization.

(b) "Closed circuit telecast" includes any telecast or broadcast, transmitted by any means, including subscription where an extra or additional fee is charged where an identifiable or particular fee is charged for the viewing within this state of a simultaneous telecast of any live, current, or spontaneous match or wrestling exhibition. (Added by Stats. 1985, Ch. 1092, Sec. 2, 1994 ch. 1010.)

**§ 18831. GROUNDS FOR DENIAL OF PERMIT TO CHARGE OR RECEIVE ADMISSION FOR EXHIBITING SIMULTANEOUS TELECAST OF CONTEST OR EXHIBITION.**

No person shall charge or receive an admission fee for exhibiting a simultaneous telecast of any live, current, or spontaneous contest or wrestling exhibition on a closed-circuit telecast viewed within this state without a permit issued by the commission.

Application for such a permit shall be on a form provided by the commission, shall include a bond as required in Article 5, and shall contain such information as the commission may require, including, but not limited to, the locations where such telecasts are to be viewed. A permit shall be issued for each location where such telecast is to be viewed. The applicant shall pay the permit fee required in Section 18819.

The bond shall guarantee payment of taxes and fines due and payable to the state.

The permit may be denied only for the following reasons:

(a) The information required by the commission is not supplied by the applicant.

(b) The applicant is or has been in default for the payment of any taxes or fees required by this chapter.

(c) The permit fee has not been paid by the applicant. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18832. REPORTING TICKET AND SUBSCRIPTION GATES – ADMISSION TAX.**

Every person who charges and receives a fee for exhibiting a simultaneous telecast of any live, current, or spontaneous contest or wrestling exhibition on a closed-circuit telecast viewed within this state shall, within 72 hours after such event, furnish to the commission, a written report under penalty of perjury on a form which shall be provided by the commission showing the number of tickets or subscriptions where an extra or additional fee is charged for the viewing, which were issued or sold, and the gross receipts therefor without any deductions whatsoever. The person shall also, at the same time, pay to the commission a 5 percent tax, exclusive of federal taxes thereon, of the amount paid for admission or subscription telecast, as defined in Section 18830, to the showing or viewing of the contest or wrestling exhibition. In no event, however, shall the tax be less than fifty dollars (\$50). The tax shall apply uniformly to all persons subject to the tax.

The tax on admission shall apply to the amount actually paid for admission and not the regular established price.

No tax is due in the case of a person admitted free of charge. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18833. DESIGNATED REPRESENTATIVE PRESENT AT COMPUTATION OF TICKETS ISSUED AND GROSS RECEIPTS.**

The commission may designate a representative to be present at, and observe the computation of the number of tickets issued or sold, and the determination of the gross receipts. Where a telecast or broadcast is accomplished by subscription, records in support of the receipts shall be made available to the commission upon request. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18834. ACTION; FAILURE TO REPORT; AUTHORITY TO EXAMINE RECORDS.**

Whenever any person fails to make a report of a closed-circuit television showing of any contest or wrestling exhibition within the period prescribed by Section 18832, or whenever the report is unsatisfactory to the commission, the executive officer or his or her representative may examine or cause to be examined, the books and records of the permit holder or any other person, and subpoena and examine under oath those persons for the purposes of determining the total amount of the gross receipts of a closed-circuit television showing of any contest or wrestling exhibition and the amount of tax due pursuant to this chapter, which tax he or she may fix or determine as the result of the examination. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18835. COURT ACTION TO COLLECT TAX, FINES, ATTORNEY'S FEES.**

If a permitholder fails to pay any tax ascertained to be due under this chapter, in addition to the costs of the examination under Section 18834, if any, within 30 days after receipt of notice by the executive officer, the commission may authorize the Attorney General to bring an action in superior court to collect the amount due, any fines authorized by this chapter and attorney's fees.

The action shall be speedily determined by the court and shall take precedence over all matters pending therein except criminal cases, applications for injunction, or other matters to which special precedence has been given by law. (Amended by Stats. 1986, Ch. 1095, Sec. 14.)

**§ 18836. REFUSAL TO ISSUE PERMIT AS  
CONSEQUENCE OF DEFAULT IN  
TAX PAYMENT.**

In case of default in the payment of any tax due under this chapter, the commission may refuse to issue a permit to any person so defaulting regardless of whether the application for the permit is made solely in the name of the person, or together with others. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18837. EXEMPTION; CABLE TELEVISION.**

This article does not apply to a cable television's system franchised under Section 53066 of the Government Code. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

## **ARTICLE 14. ADMINISTRATIVE ENFORCEMENT**

**§ 18840. GRANTING AN UNRESTRICTED  
LICENSE – RATIONALE.**

Notwithstanding any other provision of this code, if in the judgment of the commission the financial responsibility, experience, character and general fitness of an applicant for a license or renewal thereof, or any person connected with the applicant, are such that the participation of the applicant will be consistent with the public interest, convenience or necessity, and with the best interests of boxing and martial arts generally, and in conformity with the purposes of this chapter, and the rules or regulations adopted pursuant thereto, the commission may grant an unrestricted license or issue a license subject to terms and conditions. (Amended by Stats. 1989, Ch. 757, Sec. 18.)

**§ 18841. AUTHORITY FOR DISCIPLINARY  
ACTION; JUDICIAL REVIEW.**

Notwithstanding any other provision of this code, licenses issued under this chapter may be revoked, suspended, or placed on probation under terms and conditions including, but not limited to, the making of restitution, for any violation or attempted violation of this chapter, any rule or regulation adopted pursuant thereto, or for any cause for which a license may be denied.

Such action shall be final, except that the propriety of such action is subject to review, upon questions of

law only, by the superior court. The action of the commission shall stand unless and until reversed by the court. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18842. TEMPORARY SUSPENSION OF  
LICENSE – HEARING.**

The commission, the executive officer and other employees duly authorized by the executive officer, shall have the power to suspend temporarily, any license until final determination by the commission when, in his or her opinion, the action is necessary to protect the public welfare or is in the best interest of boxing or martial arts.

The suspension may be without advance hearing, but the suspended licensee may apply to the commission for a hearing on the matter to determine if the suspension should be modified or set aside. The application for a hearing shall be in writing and shall be received by the commission within 30 days after the date of suspension. Upon receipt of such written request, the commission shall set the matter for hearing within 30 days. (Amended by Stats. 1989, Ch. 757, Sec. 19.)

**§ 18843. FINES FOR VIOLATIONS –  
HEARING.**

In addition to its authority under other provisions of this chapter to take action against a licensee, the commission, its executive officer, or his or her duly authorized representative shall have the authority to assess fines not to exceed two thousand five hundred dollars (\$2,500) for each violation of any of the provisions of this chapter or any of the rules and regulations of the commission.

This fine may be assessed without advance hearing, but the licensee may apply to the commission for a hearing on the matter if such fine should be modified or set aside. This application for a hearing shall be in writing and shall be received by the commission within 30 days after service of notice of the fine. Upon receipt of this written request, the commission shall set the matter for hearing within 30 days. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18844. REVOCATION OR SUSPENSION OF  
LICENSE FOR FAILURE TO PAY  
FINE – COURT ACTION.**

If a licensee fails to pay any fine assessed under this chapter within 30 days after receipt of notice by the executive officer, after time for appeal has passed or after action on an appeal by the commission, the com-

mission may, without hearing, revoke or suspend the license held by the licensee and authorize the Attorney General to bring an action in superior court to collect the amount due and attorney's fees.

The action shall be speedily determined by the court and shall take precedence over all matters pending therein except criminal cases, applications for injunction, or other matters to which special precedence has been given by law. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18845. COMMISSION ISSUANCE OF SUBPOENAS, ADMINISTRATION OF OATHS – CONTEMPT.**

(a) The commission, its executive officer, or any other employee duly authorized by the executive officer may issue subpoenas for the attendance of witnesses, giving of testimony, or the production of documents before the commission, any member thereof, the executive officer, or any other duly authorized employee with the same effect as if they were issued in an action in the superior court. They may also administer oaths in all matters appertaining to their duties or connected with the administration of the affairs of the commission.

(b) No witness shall be obliged to attend at a place out of the county in which the witness resides unless the distance is less than 150 miles from the witness's residence, except the commission or its designee may endorse on a subpoena an order requiring the attendance of such witness upon a showing that the testimony of such witness is material and necessary.

(c) Disobedience to a subpoena may be punished as a contempt by the superior court. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18846. SUBPOENAS, OATHS.**

Notwithstanding any other provision of law, the commission, its executive officer, or his or her duly authorized representative may issue subpoenas for the attendance of witnesses or the production or examination of documents before the commission, any member thereof, its executive officer, or his or her duly authorized representative. The subpoenas shall have the same effect as if they were issued in an action in superior court. The persons may also administer oaths, in all matters appertaining to their duties, the enforcement of this chapter, or otherwise connected with the administration of the affairs of the commission. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18847. SUBPOENA DISOBEDIENCE; CONTEMPT.**

The disobedience of a subpoena issued under Section 18846 shall be attended by the same consequences and subject to the same penalties as if such disobedience occurred in an action in the superior court. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18848. DISCIPLINARY ACTION AGAINST PROMOTER OR MATCHMAKER MANAGING A BOXER, MARTIAL ARTS FIGHTER.**

The license of any promoter or matchmaker found guilty of managing a boxer or martial arts fighter, either directly or indirectly, without written approval from the commission shall be subject to disciplinary action. (Amended by Stats. 1989, Ch. 757, Sec. 20.)

**§ 18849. PROMOTER INTEREST IN BOXER; PRIOR APPROVAL.**

No promoter, nor any person having a proprietary interest in the promoter, shall have, either directly or indirectly, any proprietary interest in a boxer or martial arts fighter competing on the premises owned, leased, or rented by the promoter without written approval from the commission. (Amended by Stats. 1989, Ch. 757, Sec. 21.)

**§ 18850. REVOCATION OF LICENSE FOR PARTICIPATION IN CONTEST WHILE SUSPENDED – EFFECT OF AIDING AND ABETTING BY LICENSE.**

(a) Any boxer or martial arts fighter who participates in a contest or match while under suspension by the commission, or any other recognized commission, shall have his or her license revoked.

(b) Any licensee who, directly or indirectly, aids or abets a boxer or martial arts fighter in violation of this section shall be subject to disciplinary action. (Amended by Stats. 1989, Ch. 757, Sec. 22.)

**§ 18852. MAINTENANCE OF EXPERIENCE AND RECEIPTS RECORD BY MANAGER OF BOXER OR MARTIAL ARTS FIGHTER.**

A manager of a boxer or martial arts fighter shall maintain an accurate annual record showing all of the following with respect to each contest in which the boxer or martial arts fighter has participated.

(a) Training expenses.

(b) Amount of money actually paid to the contestant.

(c) Amount of money which the manager received from the purse.

(d) Amount of money owed to the manager by the contestant.

The manager's record shall be supported by documentation, shall be made available to both the fighter under contract and the commission upon request, and shall be kept in the manager's possession for a period of five years from the transaction. (Amended by Stats. 1989, Ch. 757, Sec. 23.)

### **§ 18853. ADVANCE PAYMENT TO FIGHTERS LIMITED TO NECESSARY EXPENSES.**

No fighter shall be paid before a contest, except that a promoter may, with the written approval of the commission, advance to the fighter before the contest, up to one thousand dollars (\$1,000) plus any necessary transportation and living expenses. However, such advance, except necessary transportation and living expenses, shall not exceed 20 percent of the fighter's purse. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

### **§ 18854. PAYMENTS IN PRESENCE OF COMMISSION REPRESENTATIVE.**

No fighter, nor his or her manager, shall be paid for the services of the fighter except in the presence of an authorized commission representative. The commission representative shall report to the executive officer any payment made contrary to the provisions of the contract on file with the commission. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

### **§ 18855. FAILURE TO ENFORCE ACT BY OFFICIAL – DISCIPLINARY ACTION.**

Any official who fails to enforce the provisions of this act or the commission's rules and regulations shall be subject to disciplinary action. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

### **§ 18860. WITHHOLDING OF PURSE; HEARING; DISPOSITION.**

(a) The commission, the executive officer, or authorized representative shall have power to order a promoter to withhold any purse, any part thereof, any receipts or other funds owing or payable to any contestant, or the share thereof of any manager, if, in his or

her judgment, it should appear that such contestant is not competing honestly, or is intentionally not competing to the best of his or her ability, or if it should appear that the contestant, manager, or any seconds have violated any provision of this act, or the rules and regulations adopted by the commission.

(b) Any purse, or portion thereof, so withheld, shall be delivered by the promoter to the commission upon demand. Any contestant claiming the money withheld shall within 10 days after the end of the contest apply in writing to the commission for a hearing, the commission shall fix a date for the hearing, and after the hearing determines the disposition to be made of the money held by the commission.

(c) If no application for a hearing is filed within the time prescribed the commission shall meet and determine the disposition to be made of the money held by the commission.

(d) This section does not apply to any exhibition where the participants are not competing to the best of their ability. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

### **§ 18861. WITHHOLDING OF PURSES; STATEMENT OF EXPENSES.**

The commission, the executive officer, or authorized representative shall have the power to order a promoter to withhold 10 percent of the total purse payable to a contestant if the manager of the contestant does not present an itemized statement of expenses incurred in connection with the contest. The money so withheld shall be paid to the commission and held in trust for payment to the contestant or his or her manager, upon presentation by the manager to the commission of the itemized statement of expenses. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

### **§ 18865. AIDING OR ABETTING SHAM ACTION – CONSEQUENCE.**

Any licensee who directly or indirectly holds, participates in, aids or abets any sham or fake contest or match shall be subject to disciplinary action.

This section does not apply to any exhibition. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

### **§ 18868. CRIMINAL HISTORY REVIEW – FINGERPRINTING.**

(a) The commission shall have the authority to obtain and review criminal history information to determine whether an applicant or licensee has been convicted of any offense or has been arrested for any offense for which disposition is still pending. A convic-

tion, or a plea of guilty or nolo contendere to an offense, may be cause to deny an application or take disciplinary action against a licensee dependent on the relevancy of the offense to the licensed activity.

(b) The commission may require applicants to submit two sets of fingerprints which shall be furnished to the Department of Justice. Upon the request of the commission, the Department of Justice shall submit one set of the fingerprints to the Federal Bureau of Investigation to obtain a copy of the Federal Bureau of Investigation's record and shall retain one set to search the California criminal history system. (1994 ch. 1275.)

**§ 18869. CHAPTER DOES NOT GIVE POWER TO INTERFERE WITH LOCAL PROHIBITION AGAINST MATCH OR CONTEST.**

Nothing in this chapter shall prevent any county, city, or city and county from prohibiting the holding or participating in any contest, match, or exhibition. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**ARTICLE 15.  
CRIMES AND PENALTIES**

**§ 18870. HOLDING OR AIDING AND ABETTING IN HOLDING CONTEST, MATCH, EXHIBITION WITHOUT A LICENSE OR PERMIT.**

Any person or promoter to whom this chapter applies who directly or indirectly holds, aids or abets, or attempts to hold, aid or abet the holding of, any contest, match or exhibition without first having obtained a license or permit therefor under this chapter, is guilty of a misdemeanor. (Amended by Stats. 1986, Ch. 1095, Sec. 15.)

**§ 18871. VIOLATION – PARTICIPATION AFTER STOP ORDER.**

Any contestant who continues to participate in a professional or amateur contest or match after an order to stop the contest is given by an official, or authorized representative of the commission, is guilty of a misdemeanor. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18872. VIOLATION – DESTRUCTION OF TICKET STUBS.**

Any promoter who directly or indirectly destroys, or aids and abets in the destruction of, any ticket or ticket stub to a contest, match, or exhibition within six months after the event without written authorization from the commission is guilty of a misdemeanor. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18873. VIOLATION – THROWING OBJECTS AT RING.**

Any person who throws any object at the ring during a contest, match, or exhibition is guilty of a misdemeanor. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18878. VIOLATION AGAINST CHAPTER – MISDEMEANOR.**

Any person who otherwise violates any provision of this chapter is guilty of a misdemeanor. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**ARTICLE 16.  
BOXER BENEFITS**

**§ 18880. LEGISLATIVE FINDINGS, DECLARATIONS.**

The Legislature finds and declares that professional boxers, as a group, for many reasons, do not retain their earnings, and are often injured or destitute, or both, and unable to take proper care of themselves, whether financially or otherwise, and that the enactment of this article is to serve a public purpose by making provisions for a needy group to insure a modicum of financial security for professional boxers. The provisions of this article pertain only to professional boxers. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18881. ESTABLISHMENT OF PENSION PLAN – SCHEDULE OF CONTRIBUTIONS – CONSIDERATIONS TO BE WEIGHED.**

(a) The commission shall, consistent with the purpose of this article, establish a pension plan for professional boxers who engage in boxing contests in this state.



(b) The commission shall, consistent with the purposes of this article, establish the method by which the pension plan will be financed, including those who shall contribute to the financing of the pension plan. The method of financing the pension plan may include, but is not limited to, assessments on tickets and contributions by boxers, managers, promoters, or any one or more of these persons, in an amount sufficient to finance the pension plan. For purposes of this section, the term “sufficient” means that the annual contributions shall be calculated to achieve no less than the average level of annual aggregate pension plan contributions from all sources for the period from July 1, 1981, through December 31, 1994, and adjusted thereafter to reflect changes in the Consumer Price Index for California as set forth by the Bureau of Labor Statistics.

(c) Any pension plan established by the commission shall be actuarially sound. (Added by Stats. 1985, Ch. 1092; 1996 ch. 377)

**§ 18882. SCHEDULE OF PAYMENT TIMES  
FOR PROMOTERS – BOXERS –  
PENSION ACCOUNT –  
INVESTMENT OF FUNDS.**

(a) At the time of payment of the fee required by Section 18824, a promoter shall pay to the commission all amounts scheduled for contribution to the pension plan. If the commission, in its discretion, requires pursuant to Section 18881, that contributions to the pension plan be made by the boxer and his or her manager, those contributions shall be made at the time and in the manner prescribed by the commission.

(b) All contributions to finance the pension plan shall be deposited in and credited to the Boxers’ Pension Account, which is hereby created in the General Fund. The money in the Boxers’ Pension Account shall be used exclusively for the purposes and administration of the pension plan.

(c) Except as otherwise provided in this subdivision, the commission or its designee shall invest the money contained in the Boxers’ Pension Account according to the same standard of care as provided in Section 16040 of the Probate Code. The commission or its designee may also invest money from this account in group annuity contracts. (Added by Stats. 1985, Ch. 1092, Sec. 2, amended 1993 ch. 1057, 1994 ch. 150, urgency eff. July 11, 1994, 1996 ch. 377.)

**§ 18883. ENACTED 1985 AND REPEALED 1996  
CH. 377.**

**§ 18884. ADDITIONAL AMOUNT ADDED TO  
ADMISSION TICKET – PURPOSE  
INDICATED.**

(a) A promoter may, but is not required to, add to the price of each ticket sold for a professional boxing contest, an amount specifically designated on the ticket for contribution as a donation, either or both, to the pension plan established pursuant to Section 18881. The additional amount shall not be subject to the admissions tax required by Section 18824 or any other deductions. Nothing in this section shall authorize the addition of such amounts to less than all the tickets sold for the professional boxing contest involved. The promoter shall pay additional contributions collected in accordance with Section 18881.

(b) Any additional contributions received pursuant to this section shall not be considered to offset any of the contributions required by the commission under Section 18881. (Added by Stats. 1985, Ch. 1092, Sec. 2.)

**§ 18887. MEDICAL EARLY RETIREMENT  
BENEFIT.**

In addition to any other form in which retirement benefits may be distributed under the pension plan, the commission may, in its discretion, award to a covered boxer a medical early retirement benefit in the amount contained in the covered boxers’ pension plan account at the time the commission makes this award and in the manner provided in the regulations governing the boxers’ pension plan. This benefit shall be in lieu of a pension. (Added by Stats. 1985, Ch. 1092, Sec. 2, 1996 ch. 377.)

Former Section 18887. Enacted 1985 and repealed 1996 ch. 377.

**§ 18888. ENACTED 1985 AND REPEALED 1996  
CH. 377.**

**ARTICLE 17.  
REVIEW**

**§ 18890. ENACTED 1994 AND REPEALED 1996  
CH. 1137.**

**CALIFORNIA CODE OF REGULATIONS**  
**TITLE 4. BUSINESS REGULATIONS**  
**DIVISION 2. STATE ATHLETIC COMMISSION**  
**CHAPTER 1. PROFESSIONAL BOXING RULES**

**ARTICLE 1.**  
**GENERAL PROVISION**

**§ 201. CITATION.**

The rules in this subchapter shall be cited as the “Professional Boxing Rules.”

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18611, Business and Professions Code.

**HISTORY:**

1. New section filed 6-11-84; effective thirtieth day thereafter (Register 84, No. 24). For prior history, see Register 82, No. 8.

2. Change without regulatory effect of NOTE (Register 87, No. 5).

3. Editorial renumbering only of former section 201 to section 201.5, and editorial renumbering only of former division 2 (section 200 “Citation”) to division 2 (section 201) to correct duplication of section numbers (Register 90, No. 21).

**§ 201.5. DEFINITIONS.**

As used in this chapter:

(a) “commission” means the State Athletic Commission;

(b) “code” means the Business and Professions Code;

(c) “rules” means the Boxing Rules.

(d) the terms “club” and “promoter” are synonymous and used interchangeably, and include any person, partnership, club, corporation, organization or association conducting, holding or giving boxing contests.

(e) the masculine gender includes the feminine gender.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18621 and 18622, Business and Professions Code.

**HISTORY:**

1. Originally printed 3-22-45.

2. Revision filed 5-23-47 (Register 8).

3. Repealer and new subchapters 1-3 filed 9-23-59; effective thirtieth day thereafter (Register 59, No. 16).

(ED. NOTE-For changes intervening Register 8 and Register 59, No. 16, as to specific sections, see Registers 13, No. 6; 15, No. 2; 17, No. 1; 18, No. 4; 20, No. 6; 24, No. 3; 25, No. 6; 26, Nos. 4 and 7; 30, No. 1; 53, No. 3; 54, Nos. 1, 3, 5, 23, 25 and 27; 55, Nos. 16 and 17; and 56, Nos. 9, 13 and 17).

4. Repealer and new subchapters 1-3 refiled 12-14-59; effective thirtieth day thereafter (Register 59, No. 21).

5. Repealer and new section filed 1-30-64; effective thirtieth day thereafter (Register 64, No. 3).

6. Repealer of subchapter 1 (articles 1-10, sections 201-366, not consecutive) and new subchapter 1 (articles 1-12, sections 201-416, not consecutive) filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8). For prior history, see Registers 81, Nos. 49 and 15; 80, Nos. 19 and 15; 79, Nos. 49 and 10; 77, Nos. 48 and 3; 76, Nos. 40, 30 and 3; 75, Nos. 49 and 37; 73, Nos. 45, 35, 25, 9 and 3; 72, No. 16; 71, No. 31; 70, Nos. 50 and 8; 68, No. 37; 67, Nos. 51, 39 and 4; 66, No. 15; and 64, No. 18.

7. New subsection (e) filed 6-11-84; effective thirtieth day thereafter (Register 84, No. 24).

8. Change without regulatory effect of NOTE (Register 87, No. 5).

9. Editorial renumbering only of former section 201 to section 201.5 (Register 90, No. 21).

**§ 202. FILING OF APPLICATIONS AND REPORTS.**

Any application or report required under law or any rule of the commission to be filed with the commission, unless otherwise specified, shall be filed at the commission’s general office at 1424 Howe Avenue, Suite #33, Sacramento, California 95825-3217, or 5757 West Century Boulevard, GF-16, Los Angeles, California 90045.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18612, 18642 and 18824, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Change without regulatory effect amending section filed 12-16-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 50).
3. Amendment filed 2-29-2000; operative 3-30-2000 (Register 2000, No. 9).

**§ 204. FORMS.**

Ring officials, licensees and applicants for licenses shall submit to the commission such forms, records and statements at such times and in such manner as directed by the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18612, 18642 and 18824, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 205. FILING OF CHANGE OF ADDRESS.**

Every person, corporation, association or other organization holding a license issued by the commission, or any such person or entity with an application on file with the commission shall immediately notify the commission in writing at one of its offices of any and all changes of address, giving both the old and new address.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18641 and 18642, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 206. AUTHORITY OF EMPLOYEES.**

The jurisdiction, duties and responsibilities of all commission representatives and employees shall be established by the executive officer subject to the approval of the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18613, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 208. LICENSE FEES.**

Each application for a license to conduct or operate a professional boxer's gymnasium within the meaning of Section 18685 of the code shall be accompanied by the annual license fee of \$10.00. Every such license expires at midnight on December 31 of each year.

NOTE: Authority cited: Section 18611 and 18648, Business and Professions Code. Reference: Sections 18640, 18641 and 18653, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

## **ARTICLE 2. LICENSES AND APPLICATIONS**

**§ 210. APPLICATION FOR LICENSE;  
CONTENTS, FALSIFICATION.**

(a) Applications for licenses shall be in writing on a form supplied by the commission and shall be verified under oath by the applicant. Every license issued shall be subject to the conditions and agreements set forth in the application therefor, the statutes and laws relating to boxing and wrestling and the rules and regulations of the commission.

(b) Falsification in whole or in part of a material fact or presentation on any application for a license shall result in a license being denied, and if previously granted, revoked unless otherwise ordered by the commission.

NOTE: Authority cited: Section 18611 and 18648, Business and Professions Code. Reference: Sections 18640, 18641, 18642 and 18661, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 211. FINGERPRINTS AND  
PHOTOGRAPHS.**

(a) An applicant for any license issued by the commission shall submit two classifiable sets of fingerprints at the time the initial application is filed with the com-

mission, or at such other times as deemed necessary by the commission. The applicant shall also furnish two passport-size photographs as required by the commission.

(b) This rule applies to any individual applying for a promoter's license or any shareholder, officer or director signing an application for a promoter's license in the name of a club organization, corporation, or association.

NOTE: Authority cited: Section 18611 and 18648, Business and Professions Code. Reference: Sections 18640, 18660, 18661 and 18840, Business and Professions Code.

**HISTORY:**

1. Amendment filed 12-17-86; effective thirtieth day thereafter (Register 86, No. 51).

## **§ 212. USE OF RING NAMES.**

Boxers and wrestlers may assume and use ring names, but the right to use any certain ring name is subject to the approval of the commission and may be denied either at the time of presenting application for license, or later, should reason for such denial be brought before the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18641 and 18642, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

## **§ 213. PROMOTER'S LICENSE.**

In order to be issued a boxing promoter's license, an applicant shall meet all the following requirements:

(a) The applicant, or at least a corporation or partnership, shall meet the requirements for licensure as a matchmaker, or in the alternative submit evidence that the promoter employs a licensed matchmaker.

(b) Provide evidence that the promoter will have complete control over the sale of tickets, collection of tickets, counting of tickets, and preparation or revenue reports, and supervision over the box office employees, ticket takers and ushers and security for each event promoted. In the alternative a promoter may submit for review by the commission an agreement between the promoter and the facility in which events will be conducted relating to the sale and accounting of tickets and revenues, preparation of required reports, the supervision of box office employees, ticket takers and ushers, and security of each event.

(c) Provide evidence that the facility or facilities in which events will be held meet state and local fire and safety requirements and have dressing rooms and facilities which meet the requirements of Rules 292, 293 and 294.

(d) Pass a written examination administered by the commission on the fundamentals of boxing and California law and regulations relating to the practice of boxing.

NOTE: Authority: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18648, Business and Professions Code.

**HISTORY:**

1. New section filed 12-17-86; effective thirtieth day thereafter (Register 86, No. 51).

## **§ 214. PROFESSIONAL BOXER'S LICENSE – HIV/HBV TESTING.**

(a) As used in Section 18712(a) of the code:

(1) The phrase "within 30 days prior to the date of application" means that the blood test will be accepted for licensure purposes for 30 days from the date of the test report.

(2) The phrase "documentary evidence satisfactory to the commission" means the original or a copy of the test report on letterhead of the laboratory, accompanied by the applicant's declaration under penalty of perjury that the report represents the applicant's HIV/HBV test results.

(b) The test described in Section 18712(a) of the code shall be referred to collectively as the "HIV/HBV tests."

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18712, Business and Professions Code.

**HISTORY:**

1. New section filed 6-16-97; operative 6-16-97 pursuant to Government code section 11343.4(d) (Register 97, No. 25). For prior history, see Register 94, No. 50).

## **§ 215. MANAGER ACTING AS SECOND.**

A licensed manager may act as a second without the necessity of a second's license.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18642, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 216. LICENSE REQUIRED.**

Boxer and managers licensed in other jurisdictions signing a contract with a promoter to box in this state shall have made application for a license with this commission and the boxer shall have been issued a license prior to signing any contract. Failure to comply with this rule may result in denial of any application received from such boxer or manager pending a hearing before the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18642, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 217. MATCHMAKER'S LICENSE.**

In order to be licensed as a matchmaker, an applicant shall pass a written examination administered by the commission on California laws and regulations relating to boxing. The examination may be waived if the applicant possesses a current and valid license as a matchmaker in another state or country and has not been subject to any disciplinary action.

NOTE: Authority: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18648, Business and Professions Code.

**HISTORY:**

1. New section filed 12-17-86; effective thirtieth day thereafter (Register 86, No. 51).

**§ 218. MANAGER'S, SECOND'S AND TIMEKEEPER'S LICENSE.**

(a) **Boxing Manager.** In order to be issued a boxing manager's license, an applicant shall pass a written examination administered by the commission on the fundamentals of boxing, the management of boxers, and California laws and regulations relating to boxing. The examination may be waived if the applicant possesses a current and valid license as a boxing manager in another state or country and has not been subject to any disciplinary action.

(b) **Boxing Second.** In order to be issued a boxing second's license, an applicant shall meet all the following requirements:

(1) Pass a written examination administered by the commission on the fundamentals of boxing and California laws and regulations relating to boxing.

(2) Perform a demonstration of competence by demonstrating the duties of a second before a representative of the commission.

(3) The examination and demonstration of competence may be waived if the applicant possesses a current and valid license as a boxing second in another state or country and has not been subject to any disciplinary action.

(c) **Timekeeper.** In order to be issued a timekeeper's license, an applicant shall meet all the following requirements:

(1) Pass a written examination administered by the commission on the California laws and regulations relating to boxing.

(2) Perform a demonstration of competence by demonstrating the duties of a timekeeper before a representative of the commission.

(3) The examination and demonstration of competence may be waived if the applicant possesses a current and valid license as a timekeeper in another state or country and has not been subject to any disciplinary action.

NOTE: Authority: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18642 and 18661, Business and Professions Code.

**HISTORY:**

1. Renumbering of former Section 218 to Section 219, and new Section 219 filed 12-17-86; effective thirtieth day thereafter (Register 86, No. 51).

2. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 219. TEMPORARY PERMITS.**

Pending investigation of the qualifications or fitness of an applicant for a license, the commission may grant such applicant a temporary license to act in the capacity for which a license is required. The granting of a temporary license shall, however, carry no presumption of the qualification or fitness of such applicant having a license, and the same may at any time be summarily terminated in the event the application for a license is denied by the commission. No such temporary permit shall be issued to any boxer whose application is not accompanied by satisfactory physical and eye examination reports from duly licensed physicians.

All temporary licenses issued by the commission shall be valid for a period not to exceed 120 days. Under no circumstances shall any temporary license extend from one license year to another.

NOTE: Authority cited: Sections 18611 and 18679, Business and Professions Code. Reference: Section 18679, Business and Professions Code.

**HISTORY:**

1. Renumbering of former Section 218 to Section 219 filed 12-17-86; effective thirtieth day thereafter (Register 86, No. 51).

2. Amendment of section and NOTE filed 5-14-96; operative 6-13-96 (Register 96, No. 20).

### **ARTICLE 3. CONTRACTS AND FINANCIAL ARRANGEMENTS**

#### **§ 220. FORM OF CONTRACT.**

Contracts between boxers and managers and between boxers or managers and licensed clubs shall be executed on printed forms approved by the commission. The commission may recognize or enforce a contract not on its printed form if entered into in another jurisdiction. No other contract or agreement may be recognized or enforced by the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18642 and 18854, Business and Professions code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment filed 10-24-90; operative 11-23-90 (Register 90, No. 47).

#### **§ 221. PROVISIONS OF CONTRACT.**

The original of all contracts entered into between managers and boxers shall be placed on file with the commission at the time it is approved pursuant to Rule 222. Except as provided below, a contract becomes null and void if at any time during its term the manager, after notice from the commission, is not licensed by the commission. If a manager is not licensed because the license has been revoked or suspended for 60 calendar days or more by the commission, all contracts with the manager shall become void on the 30<sup>th</sup> day after the date of the order of revocation or suspension unless a court of competent jurisdiction, upon notice to the com-

mission, issues an order staying the commission's order within the 30 day period. If a manager is not licensed because the license has been suspended by the commission for less than 60 calendar days, all contracts with the manager are voidable by the boxer if written notice is given by the boxer to the manager and to the commission within the period of license suspension. No manager or group of managers shall be allowed to participate in more than 33 1/3 percent of the gross ring earnings of the boxer. No assignment of any part or parts of the boxer's or manager's interest in a contract, filed and approved by the commission, shall be permitted without the approval and consent of the commission. The consent to assign shall not be granted unless a copy of the proposed assignment is submitted to the commission for its approval. No manager may negotiate or sign for matches for a boxer not under contract to him. Any boxer not having a contract with a licensed manager shall sign for his own contests and receipt for his full purse. All disputes between the parties to the contract, including the validity of the contract, shall be arbitrated pursuant to the provisions of the contract.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18642, 18643 and 18854, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment of section filed 7-17-96; operative 8-16-96 (Register 96, No. 29).

#### **§ 222. EXECUTION OF CONTRACT.**

Unless otherwise directed by the commission, a contract between a boxer and a manager is not valid unless both parties appear at the same time before the commission or a commission representative and it receives written approval. No contract shall be approved between a manager and a boxer for a period exceeding five years. No option to extend the initial period shall be permitted.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18642, 18643 and 18840, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 223. NUMBER OF BOXERS.**

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18642 and 18842, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Repealer filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 224. ADVANCES BY MANAGER, ACCOUNTING FOR.**

Any manager who advances or loans any money to any boxer or incurs indebtedness on behalf of any boxer shall furnish a statement under penalty of perjury to the boxer every ninety days. The statement shall be specific and shall set forth as to each transaction or item at least the following information: the amount of money involved, the date that the indebtedness occurred, the purpose of the indebtedness, and the name of the person to whom the debt is owed.

The manager shall obtain the boxer's signature and date of signature on each accounting and within ten days after furnishing the accounting to the boxer, the manager shall file with the commission a true copy of the accounting.

If the boxer refuses to date and sign the accounting, the manager shall file the accounting with the commission along with a statement that the manager provided the boxer with the accounting but that the boxer refused to date and sign it and the reason given by the boxer if any.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18848, 18852 and 18538, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 225. MANAGER'S WRITTEN REPORT.**

The manager's written report required to be filed with the commission under Section 18852 of the code shall itemize and specify each expense listed as a training expense and set forth with regard to each training expense itemized at least the date the expense was incurred and the kind of expense involved.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18852, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect (Register 87, No. 5).
2. Change without regulatory effect amending section heading filed 12-16-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 50).

**§ 226. EXPIRATION OF CONTRACT.**

No manager shall be allowed to contract for the services of a boxer under his management for a match to take place on a date after the expiration of the contract between the boxer and manager.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18642, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Editorial correction of Reference cite (Register 95, No. 8).

**§ 230. CONTRACT PROVISIONS.**

(a) No verbal agreement or written agreement other than a contract on the commission's official form shall be accepted by the commission.

(b) No contract between a promoter and manager or boxer shall be enforced by the commission until all contracts between the promoter and the contestants for a particular match are filed with the commission and meet the requirements of these rules and the provisions of the code applicable to professional boxing.

(c) Contracts are prohibited wherein a certain sum other than federal, state or local government taxes is taken by the club from the gate receipts or, where applicable, receipts from the sale, lease, transfer, or other exploitation of broadcasting and television rights, before a boxer is paid a percentage of the balance of said receipts for his or her services. Deductions may be allowed only if the amount to be deducted is clearly specified and itemized in the contract signed by the club with the boxer. If the commission determines that the deductions are not sufficiently itemized and specific, it may disallow such deductions.

(d) "Blanket contracts" or options on a boxer's services shall not be recognized unless written approval is obtained from the commission.

(e) Contracts wherein a boxer agrees to accept a certain percentage for his services with the understanding that at the same time he is to pay his opponent a

stipulated amount of this percentage are not acceptable to the commission unless such a contract is submitted to the commission for examination and approval.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18642, 18660, 18661 and 18854, Business and Professions Code.

**HISTORY:**

1. Amendment filed 12-17-86; effective thirtieth day thereafter (Register 86, No. 51).

**§ 231. FAILURE TO APPEAR.**

(a) Any contestant absenting himself from a show in which he has signed or has been signed by his duly licensed manager to appear, without a written valid excuse or a certificate from a commission physician in advance in case of physical disability is subject to disciplinary action.

(b) Any boxer who files a certificate from a commission physician stating that he is unable to fulfill a contract on account of physical disability shall on being restored to the eligible list, fulfill his contract with the same opponent or a suitable substitute at the club specified in the contract within a reasonable time, such period to be set by the commission, unless the boxer is released from the contract by mutual agreement.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18861, Business Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 232. PAYMENT OF CONTESTANTS.**

All contestants shall be paid in full according to their contracts, and no part or percentage of their remuneration may be withheld except by order of an official of the commission, nor shall any part thereof be returned through arrangement with the boxer or his manager to any matchmaker, assistant matchmaker, or club official. The boxer or manager may not assign his respective share of the purse, or any portion thereof, without the approval of the commission, upon written request filed with the commission at least 72 hours before the contest.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18854, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 233. TIME AND MANNER OF PAYMENT.**

All payment of purses shall be made immediately after the contest or exhibition, or, in case of a percentage contract, immediately after the percentage is determined by the commission inspectors unless otherwise ordered by the commission.

The club's authorized representative shall, unless otherwise ordered by the commission's representative in the club office, deliver check or checks made out by the club as payor to all parties entitled to payment. The club shall take a receipt for all payments made by checks, and deliver a copy of such receipt to the commission. The form of this payoff sheet shall be furnished by the commission and completed by the inspector.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18854, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 234. NO DECISION BOUT.**

In the event the referee fails to render a decision at the termination of any bout, the club shall deliver payment checks covering such bout to the commission representative for determination of payment to boxers and their managers.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18854 and 18860, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).



## **ARTICLE 4.**

### **CONDUCT OF PROMOTIONS**

#### **§ 240. APPROVAL OF CONTESTANTS.**

(a) All boxing contests shall be approved by the executive officer or his designee. Main event contracts shall be placed on file with the commission for approval at least 72 hours prior to the event unless an exception is made by the executive officer or his designee. Contracts for all other boxers contending on the card shall be filed prior to the scheduled weigh-in time for the event unless an exception is made by the executive officer or his designee. No promoter may release the names of contestants to the media or otherwise publicize a contest unless a contract has been executed between the parties and the contest is approved by the executive officer or his designee.

(b) The grounds for denial of a promoter's request to hold a boxing contest are as follows:

(1) The failure of the promoter or any person connected with the promotion and under the jurisdiction of the commission to comply with any statute or rule regulating boxing in California.

(2) The contest would tend to be a mismatch based on the record, experience, skill and condition of the contestants.

(3) The commission does not have adequate staff to enforce the statutes and rules regulating boxing enacted and adopted to protect the health, safety and welfare of the participants and consumers and guarantee the collection of revenue due to the state from the contest and all ancillary rights incidental thereto.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18642, 18661 and 18665, Business and Professions Code.

#### **HISTORY:**

1. Amendment filed 4-12-85; effective thirtieth day thereafter (Register 85, No. 15).

2. Change without regulatory effect of NOTE (Register 87, No. 5).

#### **§ 241. APPROVAL OF 12- OR 15-ROUND CONTESTS.**

No club may schedule or advertise a 12-round contest or a 15-round championship boxing contest without written approval of the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18720, Business and Professions Code.

#### **HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

#### **§ 242. NUMBER OF ROUNDS SCHEDULED.**

Clubs shall not schedule less than 26 rounds of boxing, nor more than 40 rounds, except with the approval of the commission for any one program. A standby bout shall be provided in the event an arranged card breaks down, and if it is necessary to put on another bout in order to meet the minimum requirement.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18725, Business and Professions Code.

#### **HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

#### **§ 243. MATCHES BY WHOM MADE.**

No match shall be made on behalf of any club or promoter except by the promoter, or a licensed matchmaker or assistant matchmaker.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18641, Business and Professions Code.

#### **HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

#### **§ 246. POSTPONEMENT.**

If, through inclement weather (in case of any outdoor show) or other happening not within the control of the club, a postponement becomes necessary, the commission may grant an extension of the contracts and set a new date, and the action of the commission if a show called off shall be binding upon all parties to the contracts. A small advance sale shall not be regarded as legitimate reason for a postponement. Indoor boxing and wrestling shows shall not be canceled for any reason except with the written approval of the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 247. NOTICE OF CHANGE IN PROGRAM.**

Notice of any change in announced or advertised programs for any main event boxing contest shall be filed with the commission and the press at least 24 hours before the contest. Notice of such change or substitution shall also be conspicuously posted at the box office, and announced from the ring before the opening contest. If any of the patrons desire to have the price of their tickets refunded, such refund shall be made immediately if the tickets or the ticket stubs are presented at the box office. The box office shall remain open a reasonable length of time to redeem such tickets.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 248. SUBSTITUTIONS.**

Substitutions shall not be permitted in a main event contest except in cases of emergency where the commission finds such action is justified and then only where the substitute has been approved by the commission in accordance with these rules.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

**HISTORY:**

1. Repealer and new section filed 6-11-84; effective thirtieth day thereafter (Register 84, No. 24).
2. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 249. SUBSTITUTE BOXERS.**

If a substitute boxer who is requested to appear at any club for any show is not used, he shall be used on the next succeeding show staged by the club or shall be reimbursed by the club for training expenses and transportation.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 252. SOLICITATION IN ARENA.**

No soliciting of any kind by any individual or organization shall be allowed in any boxing or wrestling arena without the written permission of the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640 and 18641, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 253. DRINKS.**

Clubs shall be responsible to see that all drinks are dispensed in paper cups.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 254. INTRODUCTION FROM RING.**

No person other than a boxer, wrestler, or person officially identified with the sport, shall be introduced from the ring, except with specific authority from the commission representative.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**ARTICLE 5.  
CONTROL OF SALES; REVENUE**

**§ 260. APPROVAL OF SALE OF TICKETS.**

The sale of tickets to an event is prohibited until there is a current seating plan on file with the commission

applicable to the event's arena. Any change in the seating plan submitted also shall be filed prior to the sale of any tickets intended for use with the changed arrangement.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18661, 18665 and 18700, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 261. COMPLIMENTARY TICKETS.**

(a) No club or employee shall sell complimentary tickets.

All clubs shall be held responsible for the actions of their employees in this connection.

(b) A complimentary ticket is a priced flat ticket for which no charge is made. Complimentary tickets shall be over stamped with the wording "Complimentary-Not to be sold" on the printed face of the ticket. The over stamp shall include the stub end of the ticket retained by the ticket holder. The promoter shall retain a clipped end of each complimentary ticket in the box-office.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18824, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 262. COURTESY PASSES.**

(a) Upon receipt of written permission from the commission, licensed clubs may issue script, exchange slips, courtesy or advertising passes or such other types of passes as may be approved by the commission.

Approved passes shall have plainly printed thereon the date of the show, as well as the value and the number of seats to which the pass entitles the bearer thereof. The pass shall be exchanged at the box office for a ticket and the holder shall present such ticket for admission to the ticket taker at the door, the rest of the ticket other than the stub, remaining in the box office to be checked as unsold tickets against the passes in the locked ticket boxes. Both ends of the ticket and the pass must be punched or clipped.

(b) If a club issues passes good only for general admission tickets, such passes shall be printed as specified above. The bearer shall exchange the pass for a ticket which shall be sold from a special roll, the ticket

shall be presented for admission to the ticket taker, who shall deposit it in the locked ticket box and passes shall remain in the ticket office, to be checked as unsold tickets against the number of tickets taken from the special roll as shown by the opening and closing numbers. No pass shall be issued for more than one general admission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18824 and 18872, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 263. ANCILLARY RIGHTS.**

Whenever a club, promoter, matchmaker, assistant matchmaker or anyone else acting for or under the management or control of the club is negotiating for the sale, lease, transfer, or other exploitation of broadcasting and television rights of a contest, match, or exhibition, the club shall file with the commission no later than three days before the contest, match or exhibition a copy of any and all contracts which exist at the time for the sale, lease, transfer, or other exploitation of such rights. If no such contract is in existence at that time then the club shall file a statement under penalty of perjury setting forth the gross price or value which the club reasonably anticipates receiving directly or indirectly for such rights.

In addition to suspension, revocation, or fine, if a club violates this rule, the commission or its duly authorized representative may withhold from the club's gross receipts sufficient funds to cover any taxes which may reasonably be anticipated to be due pursuant to Section 18824 of the code.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18824, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect (Register 87, No. 5).

**§ 264. ADMISSION OF EMPLOYEES, PRESS, COMMISSION MEMBERS.**

No person other than a representative of a commission shall have the right of admission without a ticket for value, complimentary ticket or pass.

For purposes of computing whether the total number of complimentary tickets exceeds twenty-five percent (25%) of the total number of spectators pursuant to Section 18824, a complimentary ticket issued to any

person listed below shall be excluded from the calculation of the twenty-five percent (25%) threshold.

(a) Bona fide employees of the management of the club and municipal or county officers on official business. Bona fide employees are:

(1) Those persons, including directors and officers, regularly employed by, or under contract to, the club or regularly engaged in work in business transacted there, when their duties require admission to the place, and when on duty at the time admitted; and

(2) Other persons whose admission to the place is required for the performance of some duty to, or work for, the management of the club.

(b) Newspaper reporters, photographers, telegraphers, and radio announcers, assigned to work by their recognized employers or superiors, policemen and firemen in uniform and on duty, and persons of similar vocation who are admitted with a complimentary ticket to any club for the performance of special duties in connection with any event and whose special duties are the sole reason for their presence and free admission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18824, Business and Professions Code.

HISTORY:

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Editorial correction of NOTE (Register 90, No. 21).
3. New second paragraph, amendment of subsections (a), (a)(1) and (b), and repealer of subsection (c) filed 11-12-96; operative 12-12-96 (Register 96, No. 46).

## § 266. PRINTING OF TICKETS.

All tickets shall have the price, the name of the club and date of show printed or date stamped plainly thereon.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

HISTORY:

1. Change without regulatory effect of NOTE (Register 87, No. 5).

## § 267. REDUCED PRICE TICKETS.

Any ticket for a boxing event sold for less than the printed price thereon shall be over stamped with the actual price charged. The over stamp shall be placed on the printed face of the ticket as well as the stub retained by the ticket holder.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

HISTORY:

1. Change without regulatory effect of NOTE (Register 87, No. 5).

## § 268. COLOR OF TICKETS.

Tickets of different prices shall be printed on cardboard of different colors. Use of passout tickets is prohibited unless the club receives written permission from the commission to use them.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

HISTORY:

1. Change without regulatory effect of NOTE (Register 87, No. 5).

## § 269. TICKET INVENTORIES.

Promoters shall use only tickets from a printer approved by the commission or its authorized representative. Printers shall send by mail to the district office and to the Sacramento commission office a sworn inventory of all tickets delivered to any club. This inventory shall account for any overprints, changes or extras, and a printer's sample shall be attached. Promoters shall notify printers of this requirement.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18872, Business and Professions Code.

HISTORY:

1. Amendment filed 4-12-85; effective thirtieth day thereafter (Register 85, No. 15).
2. Change without regulatory effect of NOTE (Register 87, No. 5).

## § 271. EXCHANGES.

No exchange of tickets shall be made except at the box office, and no ticket shall be redeemed after the show has taken place. Tickets in the hands of agencies shall be returned to the box office not later than one hour after the show has started.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18824, Business and Professions Code.

HISTORY:

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 272. REFUNDS.**

Every club holding either boxing or martial arts matches shall have printed on the stub of every ticket sold the following statement:

“Retain this coupon in event of postponement or cancellation. Refund \$ \_\_\_\_\_.”

The price paid for the ticket shall be printed in the foregoing blank space, and the coupon detached and returned to the ticket holder at the entrance gate. This coupon check shall also show the name of the club and date of the contest or exhibition, and shall be redeemed at its face value by the club upon presentation by the purchaser if the advertised main event is postponed or does not take place as advertised. The surety bond shall be conditioned upon the compliance by the club with the provisions of this rule.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18681, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 273. TICKET STUBS.**

Under no circumstances shall a ticket holder be passed through the gate without having the ticket separated from the stub, or be allowed to occupy a seat unless in possession of the ticket stub. The ticket taker at the door shall separate the ticket from the stub and deposit the ticket in the locked ticket box provided.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18824, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 274. SEATS TO CORRESPOND TO TICKETS.**

Ushers shall see that spectators get the seats corresponding with their ticket stubs, and that anyone occupying such seat unlawfully be asked to vacate, and if necessary be ejected.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 276. COUNTING TICKETS.**

The commission representative shall check numbers and places of ticket cans at gates and cause them to be sealed and padlocked, and after the show have them opened and tickets counted under his supervision.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18825 and 18872, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 277. DESTRUCTION OF TICKETS.**

Tickets and stubs of every description sold or unsold, other than unsold reel tickets, used for any boxing contest or wrestling exhibition shall be removed to the commission district office for audit, if necessary, by a representative of the commission after the promoter and representative have completed computation of gate receipts and taxes due thereon. In the event tickets are not taken by a commission representative they shall be retained by the promoters for a period not to exceed six months. Such tickets may be destroyed after they have been held for at least 30 days and written permission has been granted by the commission for the destruction of such tickets. Tickets shall be kept in separate packages for each show in order that an audit can be made at any time by the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18825, 18826 and 18872, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Editorial correction restoring inadvertently omitted Authority and Reference cites and History (Register 95, No. 8).

**§ 278. SHOW REPORTS.**

Every club shall when applicable, submit within 72 hours after the determination of every contest, match or exhibition for which an admission fee is charged and received, the following reports and documents on forms approved by the commission for each promotion it conducts or holds:

(a) Contracts between club and boxers.

(b) Club report of tax.

(c) Itemized statement under penalty of perjury of specific receipts and specific disbursements to contestants.

(d) Itemized and specific statement under penalty of perjury showing the number of tickets issued or sold, the amount of the gross receipts of value thereof, and the gross price charged directly or indirectly and no matter by whom received for the sale, lease, transfer, or other exploitation of broadcasting and television rights, and the name and business address of the person or entity from whom value has been received for the sale, lease, transfer, or other exploitation of such rights.

(e) A written contract setting forth the gross price charged directly or indirectly, and no matter by whom, received for the sale, lease, transfer, or other exploitation of broadcasting and television rights, and the name and business address of the person or entity from whom value has been received for the sale, lease, transfer, or other exploitation of such rights. No oral contracts shall be accepted by the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18824 and 18832, Business and Professions Code.

**HISTORY:**

1. New subsection (e) filed 6-17-85; effective thirtieth day thereafter (Register 85, No. 25).

2. Change without regulatory effect of NOTE (Register 87, No. 5).

## **§ 279. VIDEOTAPING.**

(a) A promoter or his, her or its agent or employee shall obtain the name, address and telephone number of any person who records all or part of a boxing contest on videotape. As a condition to granting permission to videotape a boxing contest, a promoter shall also obtain the consent of such a person to obtain a copy of any videotape made of the contest if necessary to comply with a request made by the commission under subs. (b) for a copy of videotape.

(b) If requested by the commission, a promoter shall be responsible for providing the commission with a copy of any available videotape or other reproduction of a boxing contest which is made with the permission of the promoter. Such a request shall be made by the commission within 30 days after the date of the contest. The promoter shall comply with the request within 30 days of the date on which the commission's request is postmarked.

(c) Any copies made under such a request shall be at the commission's expense.

NOTE: Authority cited: Section 18611 Business and Professions Code. Reference: Sections 18640, 18824 and 18825, Business and Professions Code.

**HISTORY:**

1. New section filed 10-24-90; operative 11-23-90 (Register 90, No. 47).

## **ARTICLE 6. PHYSICAL EXAMINATIONS AND SAFETY**

### **§ 280. EXAMINATION OF BOXER APPLICANTS.**

(a) Any boxer applying for a license or renewal thereof shall be examined by a physician currently licensed by this state to establish both physical and mental fitness for competition. Such examination shall be taken at such time as directed by the commission. Any boxer licensed by the commission who participates in a boxing match or contest outside the State of California may be required, upon his return to California, to again take this examination before being allowed to box in California. The results of such contests shall be reported to the nearest commission office by the licensee within 72 hours of his return to California.

(b) An examination of an applicant or licensee may be accepted by the commission if it is performed by a physician authorized to perform such examinations by the state or nation in which the examination is conducted and if it is conducted in accordance with commission instructions, including the use of applicable forms prescribed by the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18642, 18661 and 18711, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

### **§ 281. PHYSICAL CONDITION OF BOXER.**

(a) No license shall be issued to any applicant for a boxer's license who does not meet the vision requirements of Rule 282.

(b) No license shall be issued to any boxer who has suffered cerebral hemorrhage or any other serious head injury.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18642 and 18710, Business and Professions Code.

**HISTORY:**

1. Amendment filed 12-17-86; effective thirtieth day thereafter (Register 86, No. 51).
2. Change without regulatory effect of NOTE (Register 87, No. 5).
3. Amendment of section heading, repealer of subsection (a) and subsection relettering filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4 (d) (Register 99, No. 4).

**§ 282. VISION REQUIREMENTS.**

The commission shall deny, suspend, revoke, or place restrictions on the license of a professional or amateur boxer if it determines that the applicant or licensee cannot safely engage in boxing activities because of a visual condition, including but not limited to one of the following:

- (a) Uncorrected visual acuity of less than 20/200 in either eye or 20/60 with both eyes;
- (b) Corrected visual acuity of less than 20/60 in either eye, regardless of its cause;
- (c) A visual field of 60 degrees or less extending over one or more quadrants of the visual field;
- (d) Presence or history of retinal detachment or retinal tear unless treated by an ophthalmologist and then approved by an ophthalmologist specified by the commission who then assesses that the boxer is at no significant risk of further injury to the retina if boxing is resumed. Such assessment shall occur both within five days before and five days after the contest;
- (e) Presence of primary or secondary glaucoma, whether or not such condition has been treated;
- (f) Presence of aphakia, pseudophakia or dislocated lens in either eye;
- (g) Any other visual condition which the commission determines would prevent the applicant or licensee from safely engaging in boxing activities.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18642, 18643, 18661 and 18714, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment filed 10-28-91; operative 11-27-91 (Register 93, No. 4).

3. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 283. ABILITY TO PERFORM.**

Before a license is issued to any boxer, the boxer shall satisfy the commission that the boxer has the ability to compete. If at any time a boxer's ability to perform is questionable, whether from reasons of health, mental condition or no longer possessing the ability to compete or for any other reason, the commission may, upon being satisfied of the boxer's lack of ability to perform, retire the boxer from further competition.

Any applicant for a boxer's license or a renewal thereof shall furnish a verified record of the applicant's last six boxing contests.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18642, 18643, 18661, 18714 and 18840, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 285. EXAMINATION ORDERED BY COMMISSION.**

Any boxer who has been signed to a contract to box at any club may be ordered by the commission to appear at any time to be weighed by a commission representative.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18641, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 286. REPORT OF ILLNESS.**

Whenever a licensed boxer is unable because of injuries or illness to take part in a contest for which he is under contract, he (or his manager) shall immediately report that fact to the commission, and the boxer shall be required to submit to an examination by a physician designated by the commission. The examination fee of

the physician shall be paid by the boxer, except if the club has requested an examination, it shall pay the cost thereof.

NOTE: Authority Cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18642 and 18710, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 287. PHYSICIANS; CERTIFICATION OF PHYSICIANS.**

The commission shall certify each year a list of commission-approved physicians who will be appointed by the commission as ringside physicians at each boxing match. The list of certified physicians shall be available in the headquarters and district offices of the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18705 and 18706, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 288. RINGSIDE PHYSICIANS.**

Ringside physicians shall meet all of the following criteria:

(a) The physician shall possess a current and unrestricted license issued by the Medical Board of California or the Board of Osteopathic Examiners.

(b) A physician who has not previously been a ringside physician shall hold staff privileges in medicine, surgery, or emergency medicine in a general acute care facility accredited by the Joint Commission on Accreditation of Health Organizations.

(c) A physician who has not previously been approved as a ringside physician shall attend at least two ringside physician training clinics which are sponsored by the commission.

(d) A physician who has not previously been approved as a ringside physician shall be precepted at six (6) contests by a ringside physician, and receive a satisfactory evaluation on at least five (5) of the precepted contests. The preceptee may act as the second physician in attendance at a contest.

(e) "Ringside physician," as used in this section, means a club physician who is approved by the commission to attend boxing and martial arts contents as required by Section 18705 of the code.

NOTE: Authority cited: Sections 18611 and 18705.5, Business and Professions Code. Reference: Sections 18705 and 18705.5, Business and Professions Code.

**HISTORY:**

1. New section filed 10-28-91; operative 11-27-91 (Register 93, No. 4).

**§ 289. MEDICAL INSURANCE.**

**HISTORY:**

1. Repealer filed 4-12-85; effective thirtieth day thereafter (Register 85, No. 15).

2. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 290. MEDICAL INSURANCE FOR PROFESSIONAL BOXERS.**

(a) A promoter shall maintain a short-term medical assistance insurance program, approved by the commission, for professional boxers with whom it contracts for bouts to be conducted in California or shall qualify such boxers for a program which has been approved by the commission. The cost of such insurance program or coverage shall be set forth in the contract between the boxer/manager and the promoter. The promoter shall be responsible for paying any deductible amounts.

(b) "Short term medical assistance insurance," as used in this section, refers to direct expenses of medical treatment, including emergency aid, medical treatment, drugs, operations and physical therapy, arising directly from injuries incurred during a boxing contest in California which has been approved by the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18642 and 18643, Business and Professions Code.

**HISTORY:**

1. Amendment filed 4-12-85; effective thirtieth day thereafter (Register 85, No. 15).

2. Change without regulatory effect of NOTE (Register 87, No. 5).



**§ 292. SANITATION.**

All clubs are held responsible for and shall correct any violation of commission rules or applicable local health department requirements regarding sanitary conditions of dressing rooms, showers, water bottles, towels or other equipment.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18700 and 18714, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 293. EXAMINATION FACILITIES.**

Ringside physicians shall have a suitable place or room in which to make their examinations.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18714 and 18776, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Change without regulatory effect amending section filed 12-16-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 50).

**§ 294. EMERGENCY EQUIPMENT REQUIRED.**

The club shall ensure that the following emergency equipment is available at ringside:

- (a) oral airway,
- (b) stretcher.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18705 and 18706, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment of section heading and section filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 295. ONLY AUTHORIZED PERSONS IN DRESSING ROOMS.**

No one shall be allowed in the boxers' dressing rooms except their manager, seconds, news media, and commission or club representatives. The club manage-

ment shall furnish a doorman in dressing rooms to enforce this rule.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 297. WEIGHING TIME.**

Contestants shall be weighed within 24 hours of the scheduled match, at a time and place designated by the commission, in the presence of a commission representative on scales approved by the commission. A club may obtain advance written permission of the commission to allow preliminary boxers to weigh in and be examined not later than one hour before the scheduled time of the first match on the card. All weights shall be taken with the contestants stripped.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18728, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 298. WEIGHTS AND CLASSES.**

(a) Strawweight/Mini Flyweight ..... 105 pounds and under  
 Light Flyweight/Junior Flyweight over 105 pounds to 108 pounds  
 Flyweight..... over 108 to 112 pounds  
 Super Flyweight/Junior Bantamweight . over 112 to 115 pounds  
 Bantamweight..... over 115 to 118 pounds  
 Super Bantamweight/Junior Featherweight over 118 to 122 pounds  
 Featherweight..... over 122 to 126 pounds  
 Super Featherweight/Junior Lightweight... over 126 to 130 pounds  
 Lightweight..... over 130 to 135 pounds  
 Super Lightweight/Junior Welterweight.. over 135 to 140 pounds  
 Welterweight ..... over 140 to 147 pounds  
 Super Welterweight/Junior Middleweight...over 147 to 154 pounds  
 Middleweight ..... over 154 to 160 pounds  
 Super Middleweight ..... over 160 to 168 pounds  
 Light Heavyweight ..... over 168 to 175 pounds  
 Cruiserweight ..... over 175 to 195 pounds  
 Heavyweight.....over 195 pounds

(b) No contest shall be scheduled, and no contestants shall engage in a boxing contest where the weight difference exceeds the allowance as shown in the following schedule, without the written approval of the commission. In the event contestants are in different weight classes the weight difference allowance shall be that for the lower class.

118 lbs. and under .....	not more than 3 pounds
119 lbs.-126 lbs. ....	not more than 5 pounds
127 lbs.-135 lbs. ....	not more than 7 pounds
136 lbs.-147 lbs. ....	not more than 9 pounds
148 lbs.-160 lbs. ....	not more than 11 pounds
161 lbs.-175 lbs. ....	not more than 12 pounds
176 lbs. and over .....	no limit

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18728 and 18733, Business and Professions Code.

**HISTORY:**

1. Amendment filed 12-17-96; effective thirtieth day thereafter (Register 86, No. 51)
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

### **§ 300. TIME FOR EXAMINATIONS.**

A thorough physical and eye examination shall be given each contestant by the club physician at least one hour before the contestant enters the ring to compete. Referees also shall be given physical examinations immediately before officiating at any match.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18705 and 18706, Business and Professions Code.

**HISTORY:**

1. Amendment filed 10-17-86; effective thirtieth day thereafter (Register 86, No. 43).
2. Change without regulatory effect of NOTE (Register 87, No. 5)

### **§ 301. REJECTION AND REPORTS.**

Should any contestant examined prove unfit for competition or any referee unfit for officiating, the contestant or referee shall be rejected and immediate report of that fact made to the club and the commission representative.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18705, 18706 and 18841, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)

### **§ 302. CONTINUOUS PRESENCE OF PHYSICIAN.**

A minimum of two (2) commission-appointed physicians shall have seats at the immediate ringside at all boxing matches. No bout shall be allowed to proceed unless one (1) of the physicians is seated at ringside. The physicians shall not leave until after the decision in the final bout. They shall be prepared to assist if any serious emergency shall arise, and shall render temporary or emergency treatments for cuts and minor injuries sustained by the contestants.

No manager or second shall attempt to render aid to a boxer during the course of a round before the ringside physician has had an opportunity to examine the boxer who may have been injured. Time out shall be called for such examination.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18705, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment of section and Note filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

### **§ 303. ADMINISTRATION OR USE OF DRUGS.**

The administration or use of any drugs, alcohol or stimulants, or injections in any part of the body, either before or during a match, to or by any boxer is prohibited.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)

**§ 304. MONSEL'S SOLUTION.**

The use during a boxing match of Monsel's Solution, or any similar drug or compound for the stopping of hemorrhage in the ring, is prohibited. Only preparations approved by the commission may be used to stop hemorrhage in the ring.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)

**§ 305. CONTESTANTS' APPEARANCE.**

All contestants shall be clean and present a tidy appearance. It shall be at the sole discretion of the commission or its representative to determine whether facial adornments (mustaches, goatees, excessive sideburns) and length of hair presents any potential hazard to the safety of the contestant or his or her opponent, or will interfere with the supervision and conduct of the contest. The excessive use of petroleum jelly or other similar substances shall not be permitted and such substances shall be applied to the face only. Referees or the commission representative in charge shall cause any such excessive substance to be removed.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 306. BOXERS' EQUIPMENT.**

(a) The ring costume for each boxer on a program shall be approved by the commission, and shall include two pairs of trunks, shoes, and a custom-made individually fitted mouthpiece. The commission staff shall not approve ring costumes that are so similar as to possibly cause confusion as to the identity of the contenders.

(b) In addition to the items described in subsection (a), the costume for each male boxer shall include an abdominal guard that does not extend above the boxer's hipline.

(c) In addition to the items described in subsection (a), the costume for each female boxer shall also include a breast protector and body shirt.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18725, Business and Professions Code.

**HISTORY:**

1. Amendment filed 4-12-85; effective thirtieth day thereafter (Register 85, No. 15).
2. Change without regulatory effect of NOTE (Register 87, No. 5)
3. Amendment filed 2-29-2000; operative 3-30-2000 (Register 2000, No.9).

**307. REPORT OF INJURY.**

All club physicians shall report on the physician's report all cases where boxers or wrestlers have been injured during a bout, or have applied for medical aid after a contest.

A boxer who has suffered a knockout or any other serious injury, whether or not arising from boxing, and who has been treated for such injury by his personal physician or has been hospitalized, shall, with his manager, promptly submit to the commission a full report from the physician.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18705, 18706 and 18710, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)

**§ 308. SUSPENSION FOR DISABILITY.**

Any licensee rejected by an examining physician shall be suspended until it is shown that he is fit for further competition or officiating.

Any boxer suspended for 30 days for his medical protection or when he has been suspended for a hard fight, shall take the same examination as required for the annual physical examination except as directed by the commission. The physician may require any other diagnostic procedures including an electroencephalogram or CAT scan if indicated.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18642, 18705, 18706, 18710, 18714, 18841 and 18842, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)

**§ 309. TIME BETWEEN BOUTS.**

Unless written approval is obtained from the commission, a boxer who has competed anywhere in a bout of four rounds or less shall not be allowed to box in this State until two days have elapsed. Four days shall elapse after a six-round bout, five days after an eight-round bout, six days after a 10-round bout, seven days after a 12-round bout and ten days after a 15-round bout.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18714, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)

## **ARTICLE 7. RING AND EQUIPMENT**

**§ 310. RING.**

The ring shall be not less than 17 feet square within the ropes. The ring floor shall extend beyond the ropes not less than 18 inches. The ring floor shall be padded in a manner as approved by the commission. Padding must extend beyond the ring ropes and over the edge of the platform.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18724 and 18725, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)
2. Change without regulatory effect amending section filed 12-16-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 50).

**§ 311. HEIGHT OF RING.**

The ring platform shall not be more than four feet above the floor of the building, and shall be provided with suitable steps for use of contestants. Ring posts shall be of metal, not more than four inches in diameter, extending from the floor of the building to a height of 58 inches above the ring floor, and shall be properly padded.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18724 and 18725, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)

**§ 312. RING ROPES.**

Ring ropes shall be at least four in number, not less than one inch in diameter; the lower rope 18 inches above the ring floor, the second rope 30 inches above the floor, the third rope 42 inches above the floor, and the fourth rope 54 inches above the ring floor. The lower rope shall have applied around it a padding of a thickness of not less than one-half inch and of a type and construction to be approved by the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18724 and 18725, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)
2. Amendment filed 11-16-92; operative 12-16-92 (Register 92, No. 47).

**§ 313. RING EQUIPMENT.**

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18724 and 18725, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)
2. Repealer filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 318. GLOVES.**

(a) Gloves shall be examined by the commission representative and the referee. If padding is found to be misplaced or lumpy, or if gloves are found to be imperfect or clearly ill-fitting, they shall be changed before the contest starts. No breaking, skinning, roughing or twisting of gloves shall be permitted.

(b) Gloves for all main events shall be new, furnished by club management, and so made as to fit the hands of any contestant whose hands may be unusual in size.

(c) If gloves used in preliminary bouts have been used before, they shall be whole, clean, in sanitary condition and subject to inspection by the referee or commission representative as to condition. Any such gloves found to be unfit shall be immediately discarded and replaced with gloves meeting the above requirements.

(d) All clubs shall have on hand an extra set of eight-ounce and an extra set of ten-ounce gloves to be used in case gloves are broken or in any way damaged during the course of a bout. These extra sets of gloves will be placed in the custody of the commission representative at ringside.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18723 and 18725, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)
2. New subsection (a) designator, renumbering of former section 319 to new subsection (b), renumbering of former section 320 to new subsection (c), renumbering and amendment of former section 321 to new subsection (d) filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 319. GLOVES – MAIN EVENT.**

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18723 and 18725, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)
2. Renumbering of former section 319 to section 318(b) filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 320. GLOVES – PRELIMINARIES.**

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18723 and 18725, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)
2. Renumbering of former section 320 to section 318(c) filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 321. GLOVES – EXTRA SET.**

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18723 and 18725, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)
2. Renumbering and amendment of former section 321 to section 318(d) filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 322. GLOVES – WEIGHT.**

Contestants in all weights up to and including the welterweight class shall wear no less than eight-ounce gloves. In heavier classes, contestants shall wear no less than ten-ounce gloves.

When two contestants differ in weight classes, the contestants shall wear the gloves required for the higher weight classification.

All gloves must be approved by the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18723 and 18725, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 323. BANDAGES.**

Bandages shall not exceed the following restrictions:

One winding of surgeon's adhesive tape, not over one and one-half inches wide, placed directly on the hand to protect that part of the hand near the wrist. Said tape may cross the back of the hand twice but shall not extend within one inch of the knuckles when hand is clenched to make a fist.

Contestants shall use soft surgical bandage not over two inches wide, held in place by not more than two yards of surgeon's adhesive tape for each hand. One 10-yard roll of bandage shall complete the wrappings for each hand.

Bandages shall be adjusted in the dressing room in the presence of a commission representative and both contestants. Either contestant may waive his privilege of witnessing the bandaging of his opponent's hands.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18714, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)

**§ 327. GONG OR BELL.**

There shall be a bell or gong at the ring no higher than the floor level of the ring. The bell or gong shall be of a clear tone so that the contestants may easily hear it.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18725, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)

**§ 328. EQUIPMENT.**

Timekeepers shall provide themselves with such equipment as prescribed by the commission and shall carry out such duties as directed by the commission representative.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18725, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)

## **ARTICLE 8. CONDUCT OF THE BOUT**

**§ 330. OFFICIALS.**

The officials referred to in Section 18735 of the code shall consist of referees, judges, timekeepers, announcers, physicians in attendance at a contest or exhibition at the commission's direction in accordance with Section 18705 of the code, physicians appointed by the commission to perform any examination of boxers for licensure purposes or under Section 18711 of the code, and commission representatives. The referees, judges, physicians described in this section, commission representative and timekeepers shall be assigned by the commission.

The club may, with the approval of the commission, select the announcers at boxing contests or exhibitions held under the auspices of the club.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18705, 18711 and 18735, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)
2. Amendment filed 3-2-90; operative 4-1-90 (Register 90, No. 10).
3. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 332. CONTESTANTS MUST REPORT.**

Contestants shall report to the commission representative in charge of dressing rooms at least one hour before the scheduled time of the first match.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5)

**§ 334. PERSONS ALLOWED IN RING.**

No persons other than the contestants and the referee may be in the ring during the progress of a round.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 335. REFEREE – INSTRUCTION.**

The referee shall call contestants together, either in the ring or in another appropriate location before each bout for final instructions, at which time each contestant shall be accompanied by his or her designated chief second only.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 337. FOULS IN BOXING.**

- (1) Hitting below the hip line.
- (2) Hitting an opponent who is down, is getting up after being down or who is hanging helplessly over the ropes.
- (3) Holding an opponent with one hand and hitting with the other.
- (4) Excessive holding or deliberately maintaining a clinch.
- (5) Wrestling, kicking, or biting.
- (6) Grabbing and/or holding the ropes.
- (7) Butting with the head or shoulder.
- (8) Hitting with the open glove, or with the butt of the hand, the wrist, the forearm, the elbow, the knee, and all backhand blows.
- (9) Deliberate use of the rabbit punch (hitting behind the head).
- (10) Striking deliberately at that part of the body over the kidneys.
- (11) Spinning and hitting.
- (12) Excessive taunting, abusive language or gestures.
- (13) Any unsportsmanlike act.
- (14) Hitting on the break.
- (15) Hitting after the bell has sounded ending the round, including the last round.
- (16) Hitting an opponent who is entangled in the ropes.
- (17) Pushing an opponent.
- (18) Continuous dropping of the mouthpiece.
- (19) Striking a blow during intervention by the referee under Rule 349.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 338. INTENTIONAL FOULING.**

- (a) In the case of an intentional foul, the referee may interrupt the bout for the purpose of allowing the injured boxer time to recover.

(b) Any boxer guilty of an intentional foul shall be penalized one or more points as determined by the referee. If the injured boxer is unable to continue, the offending boxer shall be disqualified, his or her purse may be withheld, and he or she may be subject to suspension. Disposition of the purse and the penalty to be imposed upon the boxer shall be determined by action of the commission or the commission's representative.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18738, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 339. UNINTENTIONAL FOULING.**

(a) When a bout is interrupted due to an injury caused by an unintentional foul, the referee in consultation with the ringside physician shall determine whether the boxer who has been fouled can continue or not. If the referee sees, or if after consultation with the judges, determines that a boxer is unintentionally fouled and if the boxer's chance of winning has not been seriously jeopardized as a result of a foul, the referee may order the bout continued after a reasonable interval.

(b) If the referee and/or the ringside physician determine that the bout may not continue because of an injury suffered as the result of an unintentional foul or because of an injury inflicted by an unintentional foul which later becomes aggravated by fair blows, the bout must be declared a draw if the bout is stopped before the bell rings to begin the fourth round. After the bell rings to begin the fourth round, the outcome shall be determined by scoring the completed rounds and the round during which the referee or ringside physician stopped the bout.

(c) When an unintentional foul causes the bout to be interrupted for the purpose of allowing the injured boxer time to recover, the referee shall penalize the boxer guilty of the foul one or more points.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18733, 18855, and 18860, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Repealer and new subsections (a)-(c) filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

### **§ 340. UNINTENTIONAL BUTT.**

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18730, Business and Professions Code.

#### **HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Repealer filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

### **§ 341. UNFAIR PRACTICES LIKELY TO CAUSE INJURY.**

Referees shall not permit unfair practices that may cause injuries to a contestant, and are held strictly responsible for the enforcement of the rules. The only fair blow is a blow delivered with the padded knuckle part of the glove on the front or sides of the head and body above the hip line. After sufficient warning has been given the referee shall punish persistent disregard of the rules.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18730 and 18738, Business and Professions Code.

#### **HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

### **§ 342. PENALIZING CONTESTANT.**

The referee may penalize any contestant who fouls his or her opponent during a contest, by charging such contestant with the loss of points, whether such foul or fouls be intentional or unintentional. However, the referee shall use his or her own discretion in determining the number of points, if any, chargeable against the contestant in each instance, depending upon the severity or harmlessness of the foul and its effect upon the opponent. The referee shall, at the time of the infraction, inform each judge and the supervising commission representative of the nature of the foul, the identity of the offending boxer and the number of points deducted. At the conclusion of the round, the referee shall verify

with the judges the identity of the boxer causing the foul and the number of points deducted in accordance with the referee's determination.

When necessary to deduct points because of fouls or other infractions of the rules, the referee shall warn the offender and at the end of the round notify both contestants of any penalties which may be assessed against either boxer.

Points deducted for any foul or infraction of the rules shall be deducted in the round in which they occur. No boxer shall be penalized in a later round by virtue of a previous foul or infraction of the rules.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18730, 18733 and 18855, Business and Professions Code.

#### **HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

### **§ 345. THE REFEREE SHALL HAVE POWER TO STOP CONTEST.**

The referee shall have the power to stop a contest at any stage if he or she considers it too one-sided, or if either contestant is in such condition that to continue might subject him or her to serious injury, and in either case to render a decision in the manner prescribed by Rule 339.

In cases where a boxer receives a cut eye from a fair blow or an unintentional butt or any other injury which the referee believes may incapacitate the boxer, the referee shall call into the ring the ringside physician for examination of the boxer before the referee renders a decision in the matter.

A mandatory time out shall be called whenever the ringside physician enters the ring to examine a boxer.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18730 and 18733, Business and Professions Code.

#### **HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment filed 11-16-92; operative 12-16-92 (Register 92, No. 47).

3. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).



**§ 346. PROCEDURE WHERE FAILURE TO COMPETE.**

In any case where the referee decides that the contestants are not honestly competing, that the knock-down is a “dive,” or the foul a prearranged termination of the bout, the referee shall not finish the knock-down count or disqualify for fouling or render a decision, but shall stop the bout not later than before the end of the last round and order purses of both boxers held pending investigation and disposition of the funds by the commission. The announcer shall inform the audience that no decision has been rendered.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18730 and 18733, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 347. FAILURE TO RESUME BOXING.**

No contestant shall leave the ring during any one minute rest period between rounds. Should any contestant fail or refuse to resume boxing when the timekeeper indicates the start of the next round, the referee may either disqualify that contestant or award a KO decision to his or her opponent as of the round which has last been finished, unless the circumstances indicate to the referee the requirement for investigation or punitive action, in which event the referee shall not give a decision and shall order withheld the purse or purses of either or both boxers.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18730, 18855 and 18865, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 349. METHOD OF COUNTING OVER A BOXER WHO IS DOWN.**

When the contestant is knocked down or as the result of a punch is knocked through the ropes the referee shall order the opponent to retire to a corner of the ring, pointing to the corner, and immediately pick up the count from the timekeeper. He shall audibly announce the passing of the count. No contestant who is knocked down shall be allowed to resume boxing until the referee has finished counting eight. The contestant may take the count either on the floor or standing. The timekeeper, by effective signaling, shall give the referee the correct one-second interval for his count. The referee's count is the official count.

Should the opponent fail to stay in the designated corner the referee shall cease counting until he has returned to it, and then go on with the count from the point from which it was interrupted. If the boxer who is down arises before the count of ten, the referee shall evaluate his or her ability to continue. If assured that the boxer who has just arisen is fit to continue, the referee shall without loss of time, order both boxers to go on with the contest. Should a contestant who is “down” arise before the count of “10” is reached, and go down immediately without being struck, the referee shall resume the count where it was left off.

If the contestant taking the count is still down when the referee calls the count of 10 or if in the opinion of the referee the fighter who was knocked down is in no condition to continue, the referee shall wave both arms to indicate a knockout.

If both boxers go down at the same time, counting shall be continued as long as one of them is still down. If both boxers remain down until the count of 10 the contest shall be stopped and the decision shall be a technical draw. If at the end of a round a boxer is “down” and the referee is in the course of counting, the gong indicating the end of the round will not be sounded except for the final scheduled round. The gong will be sounded only when the referee gives the command “box” indicating the continuation of the match.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18730, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 350. A BOXER SHALL BE DEEMED “DOWN” WHEN.**

A boxer shall be deemed to be “down” when any part of his body but his feet is on the floor, or if he is hanging helplessly over the ropes. A referee may count (see Counting) a contestant out either on the ropes or on the floor.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18730, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 351. WHEN BOXER FALLS OR IS KNOCKED FROM RING DURING ROUND.**

A contestant who has been wrestled, pushed, or has fallen through the ropes during a contest may be helped back by anyone and the referee shall allow a reasonable time for the return. When on the ring platform outside the ropes, the contestant shall enter the ring immediately.

Should the contestant stall for time outside the ropes, the referee shall start the count without waiting for him to re-enter the ring.

When one boxer has fallen through the ropes, the other boxer shall retire to a designated corner and stay there until ordered to continue the contest by the referee. When a boxer is knocked outside of the ropes by a legal punch, the referee shall begin the count. If at the count of eight the boxer is no longer down, he or she shall be allowed reasonable time to reenter the ring.

A contestant who deliberately wrestles or throws an opponent from the ring, or who hits him when he is partly out of the ring, and prevented by the ropes from assuming a position of defense may be penalized.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18730, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment of section heading and section filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 352. BOXERS KNOCKED OUT.**

A boxer who has been knocked out shall be kept in a prone position until the boxer has recovered. When a boxer is knocked out, no one is to touch him or her, except the referee who will remove his or her mouthpiece, until the ring physician enters the ring and personally attends to the fallen boxer, and issues such instructions as he or she sees fit to the boxer’s handlers. If a boxer has been knocked out or if a technical knock-out decision has been rendered against him by the referee, such boxer shall be placed on the commission’s ill and unavailable list for such a period of time as may be recommended by the ringside physician or any approved commission physician who may examine him or her but such period of time shall not be less than 30 days.

A boxer shall not be permitted to engage in any contact boxing during this period without the approval of the commission physician.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18730, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment of first paragraph filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 353. WIPING GLOVES AND RINSING MOUTHPIECES.**

(a) Before a boxer resumes boxing after having been knocked or having fallen or slipped to the floor, the referee shall wipe any accumulated debris from the boxer’s gloves.

(b) When a mouthpiece is knocked out, the referee may allow the exchange to continue until there is a break in the action. Timeout shall then be called and the mouthpiece rinsed and replaced. No contestant shall be permitted to continue to box without a mouthpiece.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18730, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment of section heading and section filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 354. WARNING.**

Ten seconds before the beginning and ending of each round the timekeeper shall give warning to the seconds of the contestants by suitable signal.

No second shall be in contact with the ring apron prior to the sounding of the bell ending the round.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. New second paragraph filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 356. SCORECARD TO REFEREE AND JUDGES.**

The commission representative in charge at all boxing shows shall, before the start of each bout, give the judges and/or referees, when the latter are used as judges, a regulation scorecard. The judges shall score each round of the bout on the card and sign it. At the discretion of the commission, individual round scorecards may be used in contests and, if so used, shall be picked up at the end of each round by the referee and delivered to the ringside inspector. At the conclusion of the contest, the commission representative may then show the cards to accredited press representatives and immediately thereafter mail or deliver the score cards with the rest of his or her reports to the commission office.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18730 and 18734, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 357. METHOD OF SCORING.**

Judges shall score all contests and determine the winner through the use of the ten point must system. In this system the winner of each round receives ten points and the opponent a proportionately less number. If the round is even, each boxer receives ten points. No fraction of points may be given.

At the termination of the round or contest, the referee shall pick up the cards of the judges. The referee shall then deliver the cards to the commission representative assigned to check and total them. The majority opinion shall be conclusive and if there is no majority then the decision shall be a draw unless otherwise determined by the referee or commission representative. When the commission representative has completed verifying and totaling the scores, the ring announcer shall be informed of the decision and shall announce the decision.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18734, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment of section heading and section filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 358. ANNOUNCING WINNER.**

At the termination of all boxing bouts the winner shall be announced by the announcer and the referee shall raise the winner's hand.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640 and 18730, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 360. ABUSE OF OFFICIALS.**

No licensee shall verbally or physically abuse an official or commission representative.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18730, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment of section heading and section filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 361. SECONDS: NUMBER AND COSTUME.**

Each contestant may have four seconds of the contestant's choice and each such second while assisting in the boxer's corner shall present a neat and tidy appearance. Only one of the seconds may be inside the ring ropes between rounds with no more than two seconds on the apron. One second must remain on the floor.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 362. EXCESSIVE COACHING.**

A second shall not excessively coach a boxer during a round and shall remain seated and silent when so directed by the commission representative on duty.

Excessive coaching may lead to point deduction by the referee, ejection from the venue, and/or disciplinary action by the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Repealer and new section filed 6-11-84; effective thirtieth day thereafter (Register 84, No. 24).
2. Change without regulatory effect of NOTE (Register 87, No. 5).
3. Amendment of section heading and new second paragraph filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 363. THROWING WATER PROHIBITED.**

Excessive use of water and/or ice between rounds is prohibited. The designated chief second shall be responsible to assure that the corner is dry at the start of each round.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Repealer and new section filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 364. DETERMINING DEFEAT.**

A manager or chief second of a contestant may toss a towel into the ring in token of defeat. However, such manager or chief second shall follow the towel into the ring as soon as it is possible to do so.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 365. FANS AND TOWELS.**

Fans and swinging of towels are prohibited.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 368. CHANGE OF DECISION.**

A decision rendered at the termination of any boxing contest is final and shall not be changed unless following the rendition of a decision the commission determines that any one of the following occurred:

- (a) There was collusion affecting the result of any contest;
- (b) The compilation of the scorecard of the judges, and the referee when used as a judge, shows an error which would mean that the decision was given to the wrong boxer;
- (c) There was a violation of the laws or rules and regulations governing boxing which affected the result of any contest.
- (d) A petition to change a decision shall be in writing and filed by a boxer or the boxer's manager within five (5) calendar days from the date the decision was rendered.

(e) If a petition to change a decision is not filed in writing within five (5) days of the decision, the commission may, upon the vote of at least a majority of the commissioners present, hold a hearing to change the decision at any time.

If the commission determines that any of the above occurred with regards to any contest then the decision rendered shall be changed as the commission may direct.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment of subsections (b)-(c) filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).
3. New subsections (d) and (e) filed 5-14-96; operative 6-13-96 (Register 96, No. 20).

## **ARTICLE 9. REFEREES AND JUDGES**

### **§ 370. COMMISSION SHALL SELECT REFEREE.**

The commission or its duly authorized representative shall select and assign all referees. A licensee who wishes to protest the assignment of a referee or judge, shall file a written protest with the commission at least five days prior to the scheduled contest and shall state the reason for the protest. The protesting licensee and the referee and/or judge shall be given thereafter a hearing before a commission representative and the representative shall make such disposition of the protest as the facts may justify.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18730, Business and Professions Code.

**HISTORY:**

1. Repealer and new section filed 6-11-84; effective thirtieth day thereafter (Register 84, No. 24).
2. Change without regulatory effect of NOTE (Register 87, No. 5).
3. Amendment filed 2-29-2000; operative 3-30-2000 (Register 2000, No. 9).

### **§ 371. REFEREE'S LICENSE.**

(a) In order to be licensed as a referee, an applicant shall meet all the following requirements:

(1) Have demonstrated prior experience in refereeing and judging boxing matches and perform in a series of training sessions as a referee to successfully demonstrate proficiency. Training sessions shall be conducted by a commission representative or commission appointed licensed referee(s) and shall be approved by the commission.

(2) Be found after examination by a licensed physician to be physically and mentally fit to referee a boxing contest and to have uncorrected visual acuity of at least 20/100 in both eyes. Weight shall be proportionate to height in accordance with the standards of the American Medical Association in effect at the time of the effective date of this regulation.

(3) Be in good physical condition with the speed and reflexes in the ring necessary for the protection of the boxers.

(4) Pass a written examination administered by the commission on the fundamentals of boxing, refereeing and judging boxing matches and contests, and California law and regulations relating to boxing.

(5) Perform in a series of training sessions as a judge to successfully demonstrate proficiency. Training sessions shall be conducted by a commission representative or commission-appointed licensed referees or judges.

(6) These requirements may be waived for any applicant who is licensed and in good standing with another state athletic commission or any commission-approved sanctioning body such as the World Boxing Council, World Boxing Association, International Boxing Federation, and World Boxing Organization.

(7) In order to renew a referee's license, a referee shall comply with subsections (b) and (c) in addition to any other requirements for renewal set forth in the law or these regulations.

(b) A person who possesses a valid California license as a referee may judge a boxing contest without the need to obtain a judge's license.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18731 and 18734, Business and Professions Code.

**HISTORY:**

1. Repealer and new section filed 12-17-86; effective thirtieth day thereafter (Register 86, No. 51).
2. Change without regulatory effect of NOTE (Register 87, No. 5).
3. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 372. REFEREE'S UNIFORM.**

Referees shall wear such apparel as may be approved by the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 373. FEES FOR OFFICIALS.**

At all boxing events each timekeeper, referee and judge on duty directed by the commission to be in attendance thereat, shall be paid by the club such fee as the commission shall order, in accordance with the schedule furnished to the club and on file with the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18731 and 18734, Business and Professions Code.

**HISTORY:**

1. Amendment filed 4-12-85; effective thirtieth day thereafter (Register 85, No. 15).
2. Change without regulatory effect of NOTE (Register 87, No. 5).
3. Amendment of section heading and section filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 375. REFEREE'S PHYSICAL EXAMINATION.**

(a) In addition to any other qualifications for referees established by the commission, each applicant for a boxing referee's license who has not been previously licensed and examined shall submit to an initial physical examination which shall include all tests necessary to determine an applicant's physical fitness, agility, re-

flexes, and reaction time as specified by the commission which examination shall be taken at a facility and by a physician or physicians specified by the commission. The cost of the examination shall be the responsibility of the applicant.

(b) All boxing referees, in addition to being examined by a physician prior to officiating, shall submit to an annual regular examination to establish their physical fitness to perform as a referee.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18660 and 18661, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment of subsection (b) and repealer of subsection (c) filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 376. GRADING OF REFEREE'S PERFORMANCE.**

It shall be the duty of the assigned commission representative to grade each boxing referee's performance for each contest presided over by the referee. The grade shall be either satisfactory or unsatisfactory and shall be arrived at by considering, among other things, the referee's reflexes, and overall ability to direct and control the contest in a manner designed to ensure the protection of the participants and to obtain the contestants' compliance with the statutes and rules of the commission applicable to the particular contest. The grader may include written comments where a satisfactory grade is rendered but shall make specific written comments where a grade of unsatisfactory is rendered. The grade and any comments pertaining thereto shall be filed with the executive officer in the Sacramento office and may be inspected or copied by the referee or anyone designated in writing by the referee so graded. Any referee wishing to protest an evaluation shall do so in writing within 30 days after the evaluation has been served on the referee.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18730, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 377. HEARING TO REMOVE REFEREE'S LICENSE.**

At any time during the course of a boxing contest should it become apparent to any duly authorized representative of the commission that any referee is not discharging his responsibilities in a manner which ensures the safety of the participants, a written report shall be filed with the executive officer. The referee shall be notified that he shall not be assigned to referee another contest until a hearing is held. If the referee requests a hearing, a hearing shall be held within thirty days of the request. The commission itself may conduct the hearing, or it may delegate this responsibility to any duly authorized representative of the commission. The hearing shall be held to determine whether the referee's license shall be revoked or suspended or other appropriate action taken by the commission. The decision resulting from the hearing shall be final.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18855, Business and Professions Code.

**HISTORY:**

1. Repealer and new section filed 6-11-84; effective thirtieth day thereafter (Register 84, No. 24).
2. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 378. OFFICIALS TO BE ADMITTED.**

Any licensed boxing referee, judge, timekeeper or physician shall be admitted to any boxing show in this State on presentation of his or her license card. A ticket shall be issued to any referee when he or she shows his or her card but the commission shall not collect a tax on any ticket so issued.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18824, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Amendment of section heading and section filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 379. JUDGE'S LICENSE.**

In order to be licensed as a judge for boxing contests, an applicant shall meet all the following:

(a) Shall have been assigned by the California Athletic Commission for at least three years in such a capacity as to have judged, supervised or evaluated professional boxing judges.

(b) Pass a written examination administered by the commission on the fundamentals of boxing, judging boxing contests and knowledge of California law and regulations relating to boxing.

(c) These requirements may be waived for any applicant who possesses a current and valid license as a boxing judge in another state or country and has not been the subject of any disciplinary action.

(d) Must have demonstrated prior experience in judging boxing contests and must demonstrate judging proficiency. Proficiency shall be determined by a commission representative or commission-appointed licensed referees or judges and the method of evaluations shall be approved by the commission.

NOTE: Authority Cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18648, Business and Professions Code.

**HISTORY:**

1. New section filed 12-17-86, effective thirtieth day thereafter (Register 86, No. 51).
2. Amendment of subsections (a) and (d) filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**ARTICLE 10.  
CHAMPIONS****§ 380. DEFINITION.**

A champion is one formally acknowledged supreme in a branch of athletics or game of skill, and ready to contend with any qualified challenger.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 381. ALTERNATIVE PROVISIONS.**

Recognizing the need for uniformity of rules governing world championship contests notwithstanding any Boxing Rule the commission may, in its discretion, authorize alternate provisions from time to time as long as the safety and welfare of the boxers and the public are not jeopardized.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 382. DEFENSE OF TITLE.**

Rules governing champions shall apply to state champions except that titles shall be defended at least once every six months if a suitable challenger is available and a challenge is made. If a boxer does not defend his title within this period of time or refuses to accept a reasonable offer to defend against a challenger, the title automatically shall be vacated.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 384. DETERMINATION OF TITLE.**

The commission may once a year name state professional boxing champions in each weight class. A championship may be lost by default, forfeit, or inability to make the weight, but a championship can only be won in a contest.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 386. ADVERTISING APPEARANCE OF CHAMPION OR CONTENDER.**

No person shall advertise a boxer in California as a champion or contender in any manner which is false or misleading.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**ARTICLE 11.  
ENFORCEMENT****§ 390. VIOLATIONS OF LAWS OR RULES.**

Any licensee who violates the laws of the State of California, with the exception of minor traffic violations, or the rules of the Athletic Commission, or who fails or refuses to comply with a valid order of a commission representative, or who conducts himself or herself at any time or place in a manner which is deemed by the commission to reflect discredit to boxing, may have his or her license revoked, or may be fined, suspended or otherwise disciplined in such manner as the commission may direct.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18870 and 18878, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Change without regulatory effect amending section filed 12-16-94 pursuant to section 100, Title 1, California Code of Regulations (Register 94, No. 50).

**§ 391. DEALING WITH CERTAIN PERSONS PROHIBITED.**

The commission may deny an application, or suspend or revoke any license if it finds that at any time the licensee or any partner, officer, director, stockholder, or employee thereof, in this state or elsewhere,

- (a) has engaged in illegal bookmaking or other illegal gambling activities,
- (b) has been convicted of a crime substantially related to the regulations of boxing,
- (c) who engages in illegal bookmaking or other illegal gambling activities,
- (d) who is a reputed underworld character,
- (e) who has been convicted of any such offense in any jurisdiction,



(f) who is under suspension or revocation in any other state, or

(g) is engaged in any activity or practices which are detrimental to the best interests of boxing.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18840, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 392. DEALING WITH UNLICENSED OR SUSPENDED PERSONS PROHIBITED.**

No licensee shall enter into any agreement under the jurisdiction of the commission with any unlicensed person, nor shall any licensee have any such dealings related to boxing with any person or club whose license is currently under suspension, or revoked, or whose application for a license has been denied.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18843 and 18870, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 394. RECORDS.**

Every club and manager shall maintain a full, true and accurate set of books and records in connection with all licensed activities. These records and any other records required by statute or commission rule shall be kept for at least five years and shall be open to inspection and audit by representatives of the commission upon reasonable notice.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18642, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 395. FINANCIAL REPORTS.**

As a part of any investigation conducted by the commission concerning the regulation of boxing in California and for good cause shown, upon written request by the commission a licensee or applicant for a license shall submit a written financial statement to the com-

mission made under penalty of perjury which shall include an itemization of all assets and liabilities of the licensee or applicant and such other financial information as the commission may request.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18611, 18640, 18641, 18665, 18666, 18667, 18826 and 18849, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 396. FINANCIAL INTEREST.**

No club or any member, stockholder, director or officer thereof or matchmaker or assistant matchmaker shall act directly or indirectly as manager of a boxer.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18848 and 18849, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 397. ADVANCES TO BOXER OR MANAGER.**

Without prior written permission of the commission, no club shall, directly or indirectly, incur any indebtedness on behalf of a boxer or manager whereby such person is obligated to repay such indebtedness.

No club at any time shall, directly or indirectly, make any loan or advance to any manager.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18849, 18853 and 18854, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Change without regulatory effect amending section filed 12-16-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 50).

**§ 398. LICENSEES MUST REPORT SHAM CONTESTS.**

Any person, licensed by the commission who is approached with a request or suggestion that a sham or collusive contest be entered into or that the contest shall not be conducted honestly and fairly shall immediately report the matter to the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18865, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 399. PROCEDURE WHEN LICENSE DENIED OR REVOKED.**

Any applicant who has been denied an application for a license may not file a similar application until one year from the date of the last previous denial by the commission. Any application filed within the one year period may be denied without the necessity of a hearing.

Anyone who has had his license revoked may not petition for reinstatement or apply for a new license until one year after the date of such revocation. Any petition for reinstatement filed within the one year period may be denied without the necessity of a hearing.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641, 18642, 18840 and 18841, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

**ARTICLE 12.  
PENSION PLAN**

**§ 400. PROFESSIONAL BOXER'S PENSION PLAN.**

The commission hereby restates the professional boxer's pension plan previously established by the commission. The commission may, in its discretion, contract with a private or public entity for the administration of such plan.

NOTE: Authority cited: Sections 18611 and 18881, Business and Professions Code. Reference: Section 18881, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment filed 4-26-96; operative 5-1-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 17).

**§ 401. DEFINITIONS.**

(a) Account.

"Account" means either the participating boxer's regular account or refund account.

(1) Regular Account.

"Regular Account" means the account maintained by the commission on the records of the Plan for each participating boxer representing allocations of contributions and forfeitures, adjusted for withdrawals, income, expenses and realized and unrealized gains and losses attributable thereto.

Each boxer's regular account shall be created as of the effective date of this restated Plan on May 1, 1996. An amount equal to the actuarial equivalent, or the present value of accrued benefit ("PVAB") of a participating boxer's benefit under the Boxer's Retirement Plan as of April 30, 1996 shall be allocated to the boxer's regular account on that date. This amount in the boxer's regular account shall be referred to as the participating boxer's "grandfathered PVAB balance."

(2) Refund Account.

"Refund account" means an account maintained by the commission on the records of the Plan for each boxer who has incurred a break in service and who has made contributions to the Plan under the terms of this Article. Such account shall be created as a sub-account within the Pension Fund and shall exist until January 1, 2002, in accordance with the vesting provisions of this Plan.

(b) Accrued Benefit.

"Accrued benefit" means the aggregate amount in all of a participating boxer's accounts and shall include the actuarial equivalent of any participating benefit under the Plan as of April 30, 1996.

(c) Actuarial Equivalent.

"Actuarial equivalent" means the equivalent in value of the accrued benefit expected to be received based upon actuarial assumptions adopted from time to time by an enrolled actuary appointed by the commission.

(d) Beneficiary.

"Beneficiary" means all persons entitled under the provisions of this Plan to receive benefits after the death of a participating boxer.

(e) Boxer.

"Boxer" means a licensed professional boxer.

(f) Boxers' Pension Account.

"Boxers' pension account" means the fund held by the commission in the boxers' pension account established pursuant to Section 18882 of the Code for the exclusive purpose of paying benefits under this Plan.

(g) Break In Service.

"Break in service" occurs when a participating boxer fails to fight at least ten (10) scheduled rounds in California during any thirty-six (36) consecutive calendar months, after July 1, 1981, and prior to age 55. A participating boxer who suffers a break in service forfeits all credit earned for rounds fought up to that date unless such participating boxer is a covered boxer at the end of the plan year in which the break in service occurs. For purposes of this Article, a boxer's service in the armed forces of the United States in a time of war or national emergency shall not be counted in determining when a break in service occurs.

(h) Covered boxer.

"Covered boxer" means a participating boxer who has satisfied the vesting requirements of section 405(a).

(j) Forfeiture.

"Forfeiture" means the reallocation within the Plan of that portion of a participating boxer's regular account that is not vested prior to the date on which the boxer incurs a break in service.

(k) Participating Boxer.

"Participating Boxer" means a licensed professional boxer who participates in a contest after July 1, 1981, and who is or may become eligible to receive a benefit under the Plan, or whose beneficiary may be eligible to receive any such benefit, and who has not incurred a break in service.

(l) Plan Year.

"Plan year" means the calendar year. The first plan year for this restated Plan shall be the period between May 1 and December 31, 1996.

(m) Suspense Account.

"Suspense account" means the account provided for in the funding and allocation provisions of this Plan.

(n) Vested.

"Vested" means that the participating boxer or the participating boxer's beneficiary has an unconditional, nonforfeitable right in the participating boxer's accrued benefit.

NOTE: Authority cited: Sections 18611 and 18881, Business and Professions Code. Reference: Section 18881, Business and Professions Code.

HISTORY:

1. Change without regulatory effect of NOTE (Register 87, No. 5).

2. Amendment of subsections (a)(1)-(a)(3) and (c) filed 7-11-94; operative 7-11-94 (Register 94, No. 28).

3. Repealer and new section heading, section and NOTE filed 4-26-96; operative 5-1-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 17).

4. Amendment of subsection (a), repealer of subsection (a)(2), subsection renumbering, and repealer of subsection (i) filed 6-17-97; operative 6-17-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 25).

5. Amendment of subsection (a)(2) filed 12-4-98 as an emergency; operative 12-4-98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4-5-99 or emergency language will be repealed by operation of law on the following day.

6. Amendment of subsection (a)(2) and amendment of Note refiled 4-2-99 as an emergency; operative 4-2-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8-2-99 or emergency language will be repealed by operation of law on the following day.

**§ 402. ELIGIBILITY FOR PARTICIPATION.**

Any professional boxer who fights in a commission-approved contest shall be required to have contributions made to the Plan and shall participate in allocations of contributions and forfeitures in the Plan beginning with the first fight in which such requirements are met. The boxer shall sign a waiver of privacy rights to the extent necessary to enable the commission to locate the boxer in order to assure the boxer's receipt of benefits under the Plan. Any boxer who was participating in the Plan prior to May 1, 1996 shall continue to participate in the Plan and share in allocations to the boxer's accounts under the terms of this article.

(a) Effect of Break In Service On Current Participation.

Any boxer who incurs a break in service prior to becoming a covered boxer shall cease to be a participating boxer in the Plan. If the participating boxer is a covered boxer pursuant to this Plan at the time he incurs a break in service, then such participating boxer's accounts shall be placed on inactive status, and the participating boxer shall not continue to share in the allocation of contributions but shall continue to receive allocations of the Plan's forfeitures and investment results.

**(b) Determination of Eligibility.**

The commission shall determine the eligibility of each boxer for participation in the Plan based upon information gathered for the commission by the commission staff. Each such determination shall be conclusive and binding on all persons. Any misrepresentation by a boxer, manager, promoter, or beneficiary shall be grounds for the denial, suspension or discontinuance of benefits, in whole or in part, or for the cancellation or recovery of benefit payments made in reliance thereon by the commission. Each participating boxer shall participate in the Plan until such time as the boxer incurs a break in service or begins receiving all or a portion of his accrued benefit from the Plan.

NOTE: Authority cited: Sections 18611 and 18881, Business and Professions Code. Reference: Section 18881, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Repealer and new section heading, section and NOTE filed 4-26-96; operative 5-1-96 pursuant to Government Code Section 11343.4(d) (Register 96, No. 17).

**§ 403. FUNDING AND CONTRIBUTIONS.****(a) Contributions.**

Contributions shall be assessed as follows:

The promoter shall contribute 88 cents (\$.88) on every ticket, excluding a working complimentary ticket as described in Section 264, up to a maximum contribution of \$4,600 per show.

**(b) Formula for Allocation of Contributions.**

Contributions shall be allocated to each participating boxer's account on the last day of the plan year in the following proportions:

- (1) One half (1/2) of the contributions for the plan year shall be allocated among the regular accounts of participating boxers who have not incurred a break in service as of the last day of the plan year in the proportion that each such boxer's scheduled rounds fought for the plan year bears to the total scheduled rounds fought in the plan year; and
- (2) One half (1/2) of the contributions for the plan year shall be allocated among the regular accounts of participating boxers who have not incurred a break in service as of the last day of the plan year in the proportion that each such boxer's total purses for the plan year bears to the total purses paid for all fights fought by participating boxers in the plan year.

**(c) Formula for Allocation of Forfeitures.**

Forfeitures which become available in a plan year for allocation shall be allocated to each participating boxer's account on the last day of the plan year in the following proportions:

- (1) One half (1/2) of the forfeitures shall be allocated among all regular accounts as of the last day of the plan year in the proportion that each such regular account bears to the total regular accounts in the Plan; and
- (2) One half (1/2) of the forfeitures shall be added to the boxer, promoter and manager contributions for the plan year and shall be allocated among the regular accounts of participating boxers who have not incurred a break in service as of the last day of the plan year according to the formula set forth in subsection (b) above.

**(d) Forfeiture and Reallocation of Unvested Amounts.**

If any participating boxer incurs a break in service prior to becoming a covered boxer, then such participating boxer's regular account shall be held in a suspense account on the records of the Plan after incurring such break in service until such time as it shall be forfeited and reallocated.

Suspense account balances shall be forfeited and reallocated under the Formula set forth in subsection (c) above, as of the last day of the plan year following the plan year in which the participating boxer completes a break in service.

NOTE: Authority cited: Sections 18611 and 18881, Business and Professions Code. Reference: Sections 18881 and 18882, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Repealer and new section heading, section and NOTE filed 4-26-96; operative 5-1-96 pursuant to Government code section 11343.4(d) (Register 96, No. 17).
3. Amendment of subsection (a) and repealer of subsections (a)(1)-(a)(3) and (e)-(e)(4) filed 6-17-97; operative 6-17-97 pursuant to Government code section 11343.4(d) (Register 97, No. 25).
4. Amendment of subsection (a) and amendment of Note filed 7-23-99 as an emergency; operative 7-23-99 (Register 99, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-22-99 or emergency language will be repealed by operation of law on the following day.

**§ 404. VALUATION AND EARNINGS.****(a) Valuation of The Pension Fund.**

The assets of the pension fund shall be valued annually at fair market value on the last day of the plan year. The commission shall determine the net worth of the assets of the pension fund at their fair market value on the last day of the plan year.

**(b) Order of Adjustment.**

Subject to the provisions governing allocations of contributions and valuation, the commission shall adjust the accounts as of the last day of the plan year as follows, in the order stated:

- (1) First, the accounts shall reflect proportionately any adjustment of fair market value of assets in the manner provided in subsection (c) below;
- (2) Second, the commission shall allocate proportionately any income or loss in the manner provided in subsection (c) below;
- (3) Third, the commission shall deduct all fees and expenses for the administration of the Plan;
- (4) Fourth, the commission shall allocate contributions in the manner provided in Section 403(b);
- (5) Fifth, the commission shall allocate forfeitures in the manner provided in Section 403(b).

**(c) Allocation Of Investment Results.**

As of the last day of each plan year, the income or loss attributable to the assets of the pension fund, reduced by expenses incurred since the last day of the prior plan year, shall be allocated to the accounts of the participating boxers who had unpaid balances in their accounts as of such date in proportion to the balances in such accounts as of the last day of the prior plan year, after reducing such prior plan year balances by amounts withdrawn or distributed since the last day of the prior plan year, if any.

NOTE: Authority cited: Sections 18611 and 18881, Business and Professions Code. Reference: Sections 18881 and 18882, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Repealer and new section heading, section and NOTE filed 4-26-96; operative 5-1-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 17).
3. Amendment of subsection (b)(5) and repealer of subsection (b)(6) filed 6-17-97; operative 6-17-97 pursuant to Government Code section 11343.4(d) (Register 97, No.25).

**§ 405. VESTING.****(a) Vesting.**

A participating boxer shall become vested in the amount credited to the participating boxer's regular account when the participating boxer has:

- (1) Fought in at least ten (10) scheduled rounds per calendar year during each of four (4) calendar years without an intervening break in service; and
- (2) Has fought in at least seventy-five (75) scheduled rounds without a break in service.

**(b) Scheduled Rounds for Vesting.**

A participating boxer shall be credited for fighting in one (1) round for each scheduled round of professional boxing fought in California in a commission-approved bout as part of a contest in which at least one (1) round was commenced after June 30, 1978; provided however, that the boxer must fight in at least twenty (20) scheduled rounds in the thirty-six (36) calendar month period following July 1, 1981, in order to receive any credit for scheduled rounds fought beginning after June 30, 1978 but prior to July 1, 1981.

**(c) Refund of Unvested Pre-1996 Boxer Contributions.**

A separate refund account shall be created on the records of the Plan as of May 1, 1996, which shall contain all unvested boxer contributions made prior to May 1, 1996, for all boxers who have incurred a break in service as of April 30, 1996 under the terms of the Plan as it existed prior to such date. The commission will continue to invest and safeguard those assets within the investment vehicle in which it is investing the participating boxers and covered boxers accounts.

On or after May 1, 1996 a participating boxer who has not vested but who has contributed a portion of his purse (under the provisions of this Plan in this article in effect prior to May 1, 1996), and who has incurred a break in service may request a refund from the commission of the pre-1996 amounts contributed by him, plus 6% interest up to May 1, 1996 and plus his share of applicable earnings allocated to his account since that date. No boxer who has vested and become a covered boxer is eligible for such a refund. All amounts not claimed by these boxers before January 1, 2000, shall constitute forfeitures and shall be allocated in accordance with Section 403(c), in three (3) equal installments for the plan years ending December 31, 1999, December 31, 2000, and December 31, 2001.

**(d) Lost Beneficiary.**

If, according to the records of the commission, a participating boxer has reached age 55 and the participat-

ing boxer or his or her beneficiary has not made a claim for benefits, the participating boxer's accrued benefit shall be held until the last day of the third plan year after the participating boxer reached age 55, at which time it shall be reallocated pursuant to Section 403(c); provided, however, that if a claim is later made by the participating boxer or beneficiary for the forfeited benefit, the commission shall reinstate the amount of the vested account balance that had been forfeited, unadjusted by any gains or losses attributable to such amount. Such reinstatement shall be made from the contributions for such year of reinstatement, prior to the allocation of contributions to accounts for the year of reinstatement.

(e) Vesting of Pre-1996 Regular Account Balance.

Each participating boxer who is not a covered boxer as of May 1, 1996 shall continue to accrue credit towards vesting in his regular account balance under the terms of this Plan. In the event a participating boxer with a regular account balance attributable to pre-1996 contributions incurs a break in service before becoming a covered boxer, the portion of such boxer's regular account balance attributable to amounts other than boxer contributions, if any, shall be placed in the suspense account and shall be reallocated with other forfeitures under the terms of this restated Plan.

NOTE: Authority cited: Sections 18611 and 18881, Business and Professions Code. Reference: Sections 18881 and 18882, Business and Professions Code.

HISTORY:

1. New section filed 4-26-96; operative 5-1-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 17).

2. Amendment of subsection (c) filed 12-4-98 as an emergency; operative 12-4-98 (Register 98, No. 49) A Certificate of Compliance must be transmitted to OAL by 4-5-99 or emergency language will be repealed by operation of law on the following day.

3. Amendment of subsection (c) refiled 4-2-99 as an emergency; operative 4-2-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8-2-99 or emergency language will be repealed by operation of law on the following day.

## **§ 406. DETERMINATION OF BENEFITS.**

(a) Measure of Benefits.

The benefit distributable to a covered boxer upon retirement or to the covered boxer's beneficiary in the event of the covered boxer's death, shall be the value of the participating boxer's accrued benefit as of the

last day of the plan year coinciding with or next following the date of death or attainment of age 55.

(b) Nonliability.

The commission does not guarantee the pension fund, the participating boxers or their beneficiaries against loss of or depreciation in value of any right or benefit that any of them may acquire under the terms of this Plan. All of the benefits payable hereunder shall be paid or provided for solely from the pension fund.

(c) Methods of Payment.

The commission, with respect to any benefit, is authorized:

(1) To pay benefits directly from the pension fund in a lump sum or installments;

(2) To invest the amount of the accrued benefit in an installment contract or annuity for the benefit of the covered boxer or the participating boxer's beneficiary by conversion of existing contracts or otherwise. Such installment contract, endorsed as nontransferable, may be distributed to the covered boxer or the covered boxer's beneficiary;

(3) To distribute to the covered boxer the contracts on the covered boxer's life; in such event, if the vested interest of the covered boxer is less than the value of contracts to be distributed, then the commission may reduce their net value to the amount of the vested interest by making a policy loan or allowing the participating boxer to purchase the excess contract value; or

(4) Any combination of the preceding methods.

(d) Payment of Benefits.

(1) When a covered boxer either reaches age 55 or dies, the commission shall determine the boxer's accrued benefit on the last day of the plan year (or a valuation date as of the date the participating boxer became entitled to benefits hereunder, if the commission orders a special valuation to be made or if the accounts are segregated individual accounts). The covered boxer shall be provided with a nontransferable, fixed or variable installment contract of such type and from such insurer as the trustee shall select, payable over a period of years not to exceed the greater of thirty (30) years, the covered boxer's life expectancy or the joint expectancy of the covered boxer and the covered boxer's designated beneficiary. The payments shall be substantially equal in amount and shall occur at least annually.

(2) A covered boxer may, for good cause shown, petition the commission in writing to receive one of the following alternative methods of payment:

(A) Lump Sum.

A single lump sum distribution of the covered boxer's accrued benefit in cash or in-kind.

(B) Installments.

Cash payments in quarterly installments of substantially equal designated amounts or of a designated percentage of the value of the covered boxer's accrued benefit payable over a five year term, which shall not exceed the covered boxer's remaining life expectancy or over the joint life expectancy of the covered boxer and the covered boxer's designated beneficiary.

(3) For purposes of subsection (d), "good cause" means the covered boxer's terminal illness or disability retirement, or the situation where it is objectively imprudent to purchase an annuity contract.

(e) Commencement Of Payment Of Benefits.

Distribution of the funds due to a covered boxer shall be made to such covered boxer as soon as is administratively feasible after the last day of the plan year in which the covered boxer reaches age 55 or dies or meets other applicable early retirement distribution criteria and without unreasonable delay unless due to causes beyond the control of the commission, its trustee or other appointed fiduciary.

(f) Vocational Early Retirement Benefit.

A covered boxer may ask the commission to convert all or a portion of the covered boxer's accrued benefit to a vocational education benefit. This request shall be made by the covered boxer on or after the covered boxer has reached the age of 36 and has retired from boxing, as evidenced by unconditional surrender or cancellation of the boxer's license. The commission may, in its discretion, grant such petition in whole or in part.

If the commission grants the petition, it may pay all or a portion of the covered boxer's accrued benefit for education or vocational training. The commission shall make such payments directly to an institution approved by the Bureau for Private Postsecondary and Vocational Education, or its equivalent in another state or jurisdiction, on a periodic basis as billed by the institution and where the institution submits evidence sat-

isfactory to the commission that the boxer is maintaining satisfactory attendance at the institution.

(g) Amount of Death Benefits.

Upon the death of a covered boxer prior to age 55, the covered boxer's accounts shall become payable to the covered boxer's beneficiary.

(h) Designation Of Beneficiary.

Each participating boxer shall have the right to designate, on forms provided by the commission, a beneficiary or beneficiaries to receive the participating boxer's death benefits, and shall have the right, at any time, to revoke such designation or to substitute another such beneficiary or beneficiaries without the consent of any beneficiary; provided, however, that a married participating boxer and spouse must both designate any non-spouse beneficiary or beneficiaries. The commission shall file all beneficiary designations with the trustee and with the insurer insofar as they affect any insurance contracts on the participating boxer's life.

(i) Absence Of Valid Designation Of Beneficiaries.

If, upon the death of a covered boxer or beneficiary, there is no valid designation of beneficiary on file, the commission shall designate the covered boxer's survivors and issue as the beneficiary, in order of priority according to the California Probate Code.

The determination of the commission as to which persons, if any, qualify within the aforementioned categories shall be final and conclusive upon all persons. The commission may seek a declaratory judgment of a court of local jurisdiction to determine the identity of beneficiaries and their respective shares at the expense of the beneficiary's accounts.

(j) Distributions To Incapacitated Covered Boxers.

If a covered boxer or beneficiary who is entitled to a payment under the Plan is deemed incapable of personally receiving the payment, the commission or its trustee may make all benefit distributions to the persons or institutions which are providing for the care and maintenance of the covered boxer or beneficiary and continue to make distributions to them until a duly appointed legal representative of the covered boxer or beneficiary makes a claim for the payment. Payments made pursuant to the terms of this subsection shall constitute a distribution to the covered boxer or beneficiary entitled thereto, and shall immediately discharge the commission, the Plan and the pension fund or any further liability therefor.

NOTE: Authority cited: Sections 18611 and 18881, Business and Professions Code. Reference: Section 18881 and 18882, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Repealer and new section heading, section and NOTE filed 4-26-96; operative 5-1-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 17).
3. Change without regulatory effect amending subsection (f) filed 7-21-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 30).

**§ 407. BENEFIT CLAIMS AND APPEALS.****(a) Request for Information.**

Any participating boxer or beneficiary may request information from the commission concerning rights or benefits under this article. The executive officer or his designee shall respond, in writing, not to exceed thirty (30) days, unless the failure to respond results from matters reasonably beyond the Administrator's control.

**(b) Claim For Benefits.**

The commission shall inform a claimant in writing within 30 days after receiving a claim whether the claim is complete and includes all information and documents necessary to establish the claim. The commission shall provide a written decision within 60 days after receipt of a complete claim. A written decision on each claim for benefits shall be provided to the person making the claim. If the claim is denied in any respect, the decision shall set forth the specific reasons for such denial, written in plain English, including:

- (1) Specific references to pertinent Plan provisions on which the denial is based;
- (2) An explanation of the Plan's review procedure for denied claims.

**(c) Review of Denied Claim.**

Within ninety (90) days after receipt of decision denying a claim for benefits, the covered boxer or beneficiary making the claim or his/her authorized representative may file a written request for review. The commission shall notify the claimant that it has received the request for review and that the claimant may submit, within thirty (30) days from the date of the notification, a written statement and documents to give whatever facts or evidence the claimant feels bears upon the claim, review pertinent documents and records and submit issues and comments in writing. The commission shall make a full review of the record, including the written and oral information submitted by the claimant. Within thirty (30) days of the claimant's deadline to provide information, the commission shall render a decision and if the claim is again denied, the com-

mission shall set forth the specific reasons for such denial written in plain English. Such decision shall contain the same information required by the subsection (b), above.

**(d) Time.**

The filing of a claim or receipt of a notice of decision and any event starting a time period shall be deemed to commence with personal delivery signed for by the claimant or by affidavit of personal service, or the date of actual receipt for certified or registered mail (or date returned if delivery is refused or a claimant has moved without giving the commission, or its agents a forwarding address).

NOTE: Authority cited: Sections 18611 and 18881, Business and Professions Code. Reference: Sections 18881 and 18882, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Repealer and new section heading, section and NOTE filed 4-26-96; operative 5-1-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 17).

**§ 408. PLAN ADMINISTRATION.****(a) Expenses.**

The members of the commission shall receive no compensation from the boxer's pension account for administering the pension plan, but the boxers' pension account shall reimburse the commission for all necessary direct expenses incurred in carrying out its maintenance of the Plan. The commission shall pay any necessary direct expenses, including reasonable pension consulting fees incurred by it in administering the Plan out of the Plan's funds. All direct administrative expenses, including actuarial certification fees, trust accounting fees, and commission and expenses related to the investment of the boxer's Pension Account shall be directly assessable and shall be paid out of the boxer's pension accounts.

Expenses related to the restatement and implementation of this Article, including any extraordinary actuarial, design and consulting fees, costs of locating lost boxers' beneficiaries and costs of preparing summary plan descriptions in English and Spanish shall be reimbursed to the commission from the Plan, but only out of and limited to the funds that the commission's enrolled actuary certifies exceeds the cumulative grandfathered PVAB balances (actuarial equivalent of the Plan's benefit and refund obligations) as of April 30, 1996.



**(b) Powers and Duties.**

The primary responsibility of the commission under this article is to administer the Plan for the exclusive benefit of the boxers and their beneficiaries, subject to the specific terms of this article. The commission shall administer the Plan in accordance with its terms and shall have the power and discretion to construe the terms of this article and to determine all questions arising in connection with the administration, interpretation, and application of the Plan. Any such determination by the commission shall be conclusive and binding upon all persons. The commission shall have all powers necessary or appropriate to accomplish the duties under this Plan.

The commission shall be charged with the duties of the general administration of the Plan, including, but not limited to, the following:

- (1) The discretion to determine questions relating to the eligibility of boxers to participate or remain a participating boxer or a covered boxer hereunder and to receive benefits under the Plan;
- (2) To compute, certify, and direct the amount and the kind of benefits to which any covered boxer shall be entitled hereunder;
- (3) To maintain all necessary records for the administration of the Plan;
- (4) To interpret the provisions of the Plan consistent with the law and these rules;
- (5) To determine the size and type of any contract to be purchased from any insurer, if any, and to designate the insurer from which such contract shall be purchased;
- (6) To prepare and distribute to participating boxers information concerning their rights and obligations, including a summary plan description stating the requirements and benefits of the Plan in English and Spanish, using commonly spoken language to the extent possible, which shall be sent to each manager and to each boxer at appropriate times by the Pension Plan Committee or the commission staff, including at the time of initial licensure and renewal.
- (7) To place the funds in the pension plan in trust and to select a trustee to invest and administer the funds.

**(c) Annual Pension Report.**

The executive officer shall present an annual pension report draft to the commission, which shall review it and issue a final annual pension report. The final annual pension report shall be a public document and shall include:

- (1) The financial condition of the pension fund, including present value, net income or losses by source over the previous twelve (12) months, gains or losses realized by sales of assets or disposition;
- (2) Number of currently covered boxers;
- (3) The number of covered boxers drawing benefits and the total amount expended by category of benefits (i.e., normal retirement, death, annuity conversion, or vocational early retirement);
- (4) The number of applicants denied requested benefits and the numbers and dispositions of requests for reconsideration and commission appeals;
- (5) Itemized administrative or other deductions from the pension fund; and
- (6) Other information that the commission deems appropriate.

NOTE: Authority cited: Sections 18611 and 18881, Business and Professions Code. Reference: Sections 18881 and 18882, Business and Professions Code.

**HISTORY:**

1. New section filed 4-26-96; operative 5-1-96 pursuant to Government code section 11343.4(d) (Register 96, No. 17).

**§ 409. TRANSFER OR ASSIGNMENT OF BENEFITS.**

Subject to the exceptions provided below and as otherwise specifically permitted by law, neither the assets or benefits under this Plan nor the pension fund shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance or charge. Any attempt to so anticipate, alienate, sell, transfer, assign, pledge, encumber or charge the same shall be void. Nor shall any such benefits in any manner be liable for or subject to the debts, contracts, liabilities or torts of the person entitled to such benefits.

NOTE: Authority cited: Sections 18611 and 18881, Business and Professions Code. Reference: Sections 18881 and 18882, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Repealer and new section heading, section and NOTE filed 4-26-96; operative 5-1-96 pursuant to Government code section 11343.4(d) (Register 96, No. 17).

**§ 410. TIME FOR FILING CLAIM.**

NOTE: Authority cited: Sections 18611 and 18881, Business and Professions Code. Reference: Section 18881, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Repealer filed 4-26-96; operative 5-1-96 pursuant to Government code section 11343.4(d) (Register 96, No. 17).

**§ 412. AMENDMENT OF PLAN.**

NOTE: Authority cited: Sections 18611 and 18882, Business and Professions Code. Reference: Sections 18881 and 18882, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Repealer filed 4-26-96; operative 5-1-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 17).

**§ 413. ACTUARIAL REEVALUATION.**

NOTE: Authority cited: Sections 18611 and 18881, Business and Professions Code. Reference: Section 18881, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Repealer filed 4-26-96; operative 5-1-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 17).

**§ 415. LIMITATION OF LIABILITY.**

NOTE: Authority cited: Sections 18611 and 18881, Business and Professions Code. Reference: Section 18881, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Repealer filed 4-26-96; operative 5-1-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 17).

**§ 416. TERMINATION OF PLAN.**

NOTE: Authority cited: Sections 18611 and 18881, Business and Professions Code. Reference: Section 18881, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect of NOTE (Register 87, No. 5).
2. Repealer filed 4-26-96; operative 5-1-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 17).

## **ARTICLE 13. TRAINING GYMNASIUMS**

**§ 495. GYMNASIUM LICENSE.**

All professional boxers' training gymnasiums licensed by the commission shall post the license in a conspicuous place.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18653, Business and Professions Code.

**HISTORY:**

1. New article 13 and section filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

**§ 496. MONTHLY SPARRING REPORT.**

To assure accuracy and accountability, owners of licensed professional boxing gymnasiums shall submit to the commission, on a monthly basis, the following information on licensed boxers or holders of sparring permits who have been knocked-out or injured at the gymnasium: the name and license number of each boxer, trainer and sparring partner, the nature of any injuries to the boxer or sparring partner, and whether headgear was used.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18643 and 18654, Business and Professions Code.

**HISTORY:**

1. New section filed 10-30-95; operative 10-30-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 44).

## CHAPTER 2. FULL CONTACT MARTIAL ARTS AND KICKBOXING

### ARTICLE 1. GENERAL PROVISIONS

#### § 500. CITATION.

The rules in this subchapter shall be cited and referred to as the “Professional Full-Contact Martial Arts and Kickboxing Rules.”

NOTE: Authority cited: Sections 18611 and 18763, Business and Professions Code. Reference: Sections 18763, Business and Professions Code.

##### HISTORY:

1. New subchapter 1.5 (sections 500-532, not consecutive) filed 8-23-77; effective thirtieth day thereafter (Register 77, No. 35).

2. Repealer and new section filed 10-2-84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 40).

3. Change without regulatory effect of NOTE (Register 87, No. 5).

4. Amendment filed 9-14-94; operative 10-14-94 (Register 94, No. 37).

#### § 501. APPLICABILITY OF RULES.

The rules in this subchapter shall apply to professional full-contact martial arts and kickboxing.

NOTE: Authority Cited: Sections 18611 and 18763,; Business and Professions Code. Reference: Sections 18627, 18761 and 18768, Business and Professions Code.

##### HISTORY:

1. Repealer and new section filed 10-2-84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 40).

2. Change without regulatory effect of NOTE (Register 87, No. 5).

3. Amendment filed 9-14-94; operative 10-14-94 (Register 94, No. 37).

#### § 502. CERTAIN BOXING RULES NOT APPLICABLE.

The following professional boxing rules do not apply to martial arts or kickboxing contests or matches: Sections 298, 306, 322, 337, 357, and 400 through 416.

NOTE: Authority Cited: Sections 18611 and 18763, Business and Professions Code. Reference: Sections 18627, 18761, 18763, 18765, 18766, 18767, and 18768, Business and Professions Code.

##### HISTORY:

1. New section filed 1-2-84; effective upon filing pursuant to Government Code section 11346.2 (d) (Register 84, No. 40).

2. Change without regulatory effect of NOTE (Register 87, No.5).

3. Amendment of section and NOTE filed 9-14-94; operative 10-14-94 (Register 94, No. 37).

### ARTICLE 2. SAFETY STANDARDS

#### § 510. WEIGHTS AND CLASSES.

Atomweight (Willie wt.)	106 lbs. or under
Super Atomweight (Willie wt.)	106.1 - 109 lbs.
Flyweight	109.1 - 112 lbs.
Super Flyweight	112.1 - 115 lbs.
Bantamweight	115.1 - 118 lbs.
Super Bantamweight	118.1 - 122 lbs.
Featherweight	122.1 - 126 lbs.
Super Featherweight	126.1 - 130 lbs.
Lightweight	130.1 - 135 lbs.
Super Lightweight	135.1 - 140 lbs.
Welterweight	140.1 - 147 lbs.
Super Welterweight	147.1 - 154 lbs.
Middleweight	154.1 - 161 lbs.
Super Middleweight	161.1 - 168 lbs.
Light Heavyweight	168.1 - 175 lbs.
Super Light Heavyweight	175.1 - 183 lbs.
Cruiser Weight	183.1 - 195 lbs.
Heavyweight	195.1 - 215 lbs.
Super Heavyweight	215.1 lbs. and over

The following weight spread is permissible for matchmaking within each weight division. Any greater weight spread requires the approval of the commission.

Atomweight .....	not more than 3 lbs.
Super Atomweight .....	not more than 3 lbs.
Flyweight .....	not more than 3 lbs.
Super Flyweight .....	not more than 3 lbs.
Bantamweight .....	not more than 3 lbs.
Super Bantamweight .....	not more than 4 lbs.
Featherweight .....	not more than 4 lbs.
Super Featherweight .....	not more than 4 lbs.
Lightweight .....	not more than 5 lbs.
Super Lightweight .....	not more than 5 lbs.
Welterweight .....	not more than 7 lbs.
Super Welterweight .....	not more than 7 lbs.
Middleweight .....	not more than 7 lbs.
Super Middleweight .....	not more than 7 lbs.
Light Heavyweight .....	not more than 7 lbs.
Super Light Heavyweight .....	not more than 7 lbs.
Cruiserweight .....	not more than 12 lbs.
Heavyweight .....	not more than 20 lbs.
Super Heavyweight .....	no limit

NOTE: Authority cited: Sections 18611 and 18763, Business and Professions Code. Reference: Sections 18640 and 18765, Business and Professions Code.

#### HISTORY:

1. Renumbering of former article 2 (sections 520-532, not consecutive) to article 3 (sections 520-531, not consecutive), renumbering of former section 505 to section 510 and redesignation of former sections 505-507 to new article 2 (sections 510-513, not consecutive) filed 10-2-84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 40).

2. Change without regulatory effect of NOTE (Register 87, No. 5).

3. Amendment filed 9-14-94; operative 10-14-94 (Register 94, No. 37).

### **§ 512. ROUNDS; NUMBER; LENGTH; REST PERIOD.**

Matches shall not exceed ten two-minute rounds with a one-minute rest period between rounds; however, the commission may permit an additional two rounds for the purpose of championship events.

NOTE: Authority cited: Sections 18611 and 18763, Business and Professions Code. Reference: Sections 18640 and 18765, Business and Professions Code.

#### HISTORY:

1. Renumbering of former section 506 to section 512 and new NOTE filed 10-2-84; effective upon filing pur-

suant to Government Code section 11346.2(d) (Register 84, No. 40).

2. Change without regulatory effect of NOTE (Register 87, No. 5).

3. Amendment filed 9-14-94; operative 10-14-94 (Register 94, No. 37).

### **§ 513. CONTESTANTS EQUIPMENT.**

(a) Male contestants shall wear a foul-proof groin protector. A plastic cup with an athletic supporter is adequate, but an abdominal guard is preferable. Female contestants shall wear foul-proof breast protectors. Plastic breast covers are adequate. Female contestants shall also wear a pelvic protective girdle which shall cover the pubic area, ovaries, coccyx and sides of hips. All contestants shall wear fitted mouthpieces. All contestants shall have short fingernails and toenails. Use of padded footgear that covers the toes is mandatory and shin protectors are optional as agreed in the contract between the martial arts fighter and the promoter.

(b) Contestants shall have at least one extra pair of shorts in an opposing color with them at a match, contest, or exhibition.

NOTE: Authority cited: Sections 18611 and 18763, Business and Professions Code. Reference: Sections 18640 and 18765, Business and Professions Code.

#### HISTORY:

1. Renumbering and amendment of former section 507 to section 513 filed 10-2-84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 40).

2. Change without regulatory effect of NOTE (Register 87, No. 5).

3. Amendment of newly designated subsection (a) and new subsection (b) filed 9-14-94; operative 10-14-94 (Register 94, No. 37).

### **§ 514. GLOVES.**

Contestants who weigh 147 pounds or less shall wear eight (8) ounce gloves.

Contestants who weigh more than 147 pounds shall wear ten (10) ounce gloves.

NOTE: Authority cited: Sections 18611 and 18763, Business and Professions Code. Reference: Sections 18640 and 18765, Business and Professions Code.

#### HISTORY:

1. New section filed 9-14-94; operative 10-14-94 (Register 94, No. 37).

### **ARTICLE 3.**

## **CONDUCT OF MATCHES, CONTESTS AND EXHIBITIONS**

#### **§ 520. METHOD OF JUDGING.**

When judging a martial arts contest, a judge shall give weight to executed punches and kicks. On close or evenly scored rounds, greater weight shall be given to the fighter with the most effective kicks.

Referees and judges shall score all contests and determine the winner through the use of the ten-point must system. In this system, the winner of each round receives ten points and the opponent a proportionately less number. If the round is even, each fighter receives ten points. No fraction of points may be given.

At the termination of the contest or the termination of each round, as determined by the commission's representative present at the event, the cards of the judges shall be picked up by the referee and delivered to the commission representative assigned to check the totals. The majority opinion shall be conclusive and if there is no majority then the decision shall be a draw. When the commission representative has completed verifying the score, the ring announcer shall be informed of the decision and shall announce the decision.

NOTE: Authority cited: Sections 18611 and 18763, Business and Professions Code. Reference: Sections 18640, 18761 and 18763, Business and Professions Code.

##### **HISTORY:**

1. Amendment filed 4-11-80; effective thirtieth day thereafter (Register 80, No. 15).
2. Renumbering and amendment of former article 2 heading to article 3 and amendment of section 520 filed 10-2-84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 40).
3. Change without regulatory effect of Note (Register 87, No. 5).
4. Repealer of section text, adoption of new section text and amendment of NOTE filed 9-14-94; operative 10-14-94 (Register 94, No. 37).

#### **§ 521. MINIMUM KICKING REQUIREMENT.**

Each contestant shall execute a minimum of five kicks during the course of each round. If either fighter does not execute his or her minimum kicks, he or she may receive a warning or point deduction at the discretion of the referee.

NOTE: Authority cited: Sections 18611 and 18763, Business and Professions Code. Reference: Sections 18627 and 18640, Business and Professions Code.

##### **HISTORY:**

1. Amendment filed 4-11-80; effective thirtieth day thereafter (Register 80, No. 15).
2. Amendment filed 10-2-84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 40).
3. Change without regulatory effect of NOTE (Register 87, No. 5).
4. Repealer and new section filed 9-14-94; operative 10-14-94 (Register 94, No. 37).

#### **§ 522. FOULS.**

(a) The following tactics are fouls and are forbidden. Use of these tactics shall result in a warning and loss of points as determined by the referee.

- (1) Headbutts, elbow strikes, or clubbing, kicks or punches or any other strikes to the groin, attacking with the knees, openhand attacks to the eyes or throat, and striking at that part of the body over the kidney or spine or chopping the back of the neck or head.
- (2) Spitting, biting or, in the referee's discretion, slapping.
- (3) Palm heel strikes (using the heel of the palm of the hand to deliver a blow to the face.)
- (4) Arm bars.
- (5) Grabbing or holding onto an opponent's leg or foot, and grabbing or holding onto any other part of the body.
- (6) Punching or kicking a contestant when he or she is down. A contestant is down when any part of his or her body, other than his or her feet, touch the floor. His or her opponent may continue to attack until the contestant has touched the floor with any part of the body other than the feet.
- (7) Leg Checking. (Extending the leg to check an opponent's leg or to prevent him from kicking.)
- (8) Purposely going down without being hit.
- (9) The use of abusive language in the ring.
- (10) Any unsportsmanlike trick or action that causes any injury to an opponent or referee.
- (11) Attacking on the break.

(12) Attacking after the bell or gong has sounded ending the round, or when the opponent is out of the ring.

(13) Intentionally pushing, shoving or wrestling an opponent out of the ring with any part of the body.

(14) Failure to make five kicks per round.

(15) Kicks to the joints, linear strikes to the legs and linear strikes across both legs simultaneously.

(16) Any use of throws or any takedowns.

(17) Continuous dropping of mouthpiece.

(18) Holding and hitting.

(19) Intentional evasion of contact.

(20) Hitting or slapping with an open glove.

(21) Any sweeps not executed boot-to-boot.

(22) Not throwing any kicks. (Legal kicks are considered to be those which are attempts to land hard on a target area of the opponent's body with the intent to do damage.)

(b) One or more of the following fouls shall result in disqualification:

(1) Groin kicks or punches.

(2) Arm bars.

(3) Kicking against any joint.

(4) Intentional head butts.

(5) Use of elbows.

(c) Any contestant guilty of any of the foul tactics listed in subsection (a) above in a contest may be disqualified, his or her purse may be withheld from payment, and the contestant may be suspended. Disposition of the purse and the penalty to be imposed upon the contestant shall be determined by action of the commission.

NOTE: Authority cited: Sections 18611 and 18763, Business and Professions Code. Reference: Sections 18640, 18765 and 18768, Business and Professions Code.

#### HISTORY:

1. Amendment filed 4-11-80; effective thirtieth day thereafter (Register 80, No. 15).

2. Amendment filed 10-2-84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 40).

3. Change without regulatory effect of NOTE (Register 87, No. 5).

4. Amendment of subsections (a)(4), (a)(6) and (a)(10), repealer of subsection (a)(14) and subsection re-

numbering, amendment of newly designated subsections (a)(14), (a)(16) and (a)(20), new subsections (a)(15), (a)(21), (a)(22) and (b)(1)-(b)(5) and subsection relettering, and amendment of newly designated subsection (c) filed 9-14-94; operative 10-14-94 (Register 94, No. 37).

### **§ 523. INTENTIONAL EVASION OF CONTACT.**

NOTE: Authority cited: Section 18752.6, Business and Professions Code. Reference: Section 18752.6, Business and Professions Code.

#### HISTORY:

1. Repealer filed 4-11-80; effective thirtieth day thereafter (Register 80, No. 15).

### **§ 524. THE REFEREE SHALL HAVE POWER TO STOP CONTEST.**

#### HISTORY:

1. Repealer filed 10-2-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 40).

### **§ 525. PROCEDURE WHERE FAILURE TO COMPETE.**

#### HISTORY:

1. Repealer filed 10-2-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 40).

### **§ 526. FAILURE TO RESUME CONTEST.**

#### HISTORY:

1. Repealer filed 10-2-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 40).

### **§ 527. WIPING GLOVES.**

#### HISTORY:

1. Repealer filed 10-2-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 40).

### **§ 528. METHOD OF COUNTING OVER A CONTESTANT WHO IS DOWN.**

#### HISTORY:

1. Repealer filed 10-2-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 40).

**§ 529. RESUMING COUNT.****HISTORY:**

1. Repealer filed 10-2-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 40).

**§ 530. COMMUNICATION OF COUNTING FOR KNOCKDOWNS.**

As soon as a fighter has been knocked down, the official timekeeper shall begin calling the count (from 1 to 10) while the referee directs the opponent to a neutral corner. After the referee has directed the opponent to a neutral corner, he shall return to the fallen fighter and shall count over him, picking up the count from the timekeeper.

NOTE: Authority cited: Sections 18611 and 18763, Business and Professions Code. Reference: Sections 18640 and 18765, Business and Professions Code.

**HISTORY:**

1. Amendment filed 10-2-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 40).

2. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 531. STANDING EIGHT-COUNT.**

The referee may, at his discretion, administer an eight-count to a contestant who is in trouble but who is still standing. He shall direct the opponent to a neutral corner, then begin counting from 1 to 8, examining the contestant in trouble as he counts. If, after completing the standing eight-count, the referee determines that the contestant is not able to continue, he shall stop the contest and declare the opponent the winner by technical knockout.

NOTE: Authority cited: Sections 18611 and 18763, Business and Professions Code. Reference: Sections 18640 and 18765, Business and Professions Code.

**HISTORY:**

1. Amendment filed 10-2-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 40).

2. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 532. CHANGE OF DECISION.****HISTORY:**

1. Repealer filed 10-2-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 40).

**§ 533. CHAMPIONSHIP MATCHES AND EXHIBITIONS.**

(a) Recognizing that different forms of martial arts exist, notwithstanding any rule in this division to the contrary, the commission may, in its discretion, authorize alternate rules or provisions from time to time for full contact martial arts exhibitions so long as the safety and welfare of the contestants and the public are not jeopardized.

NOTE: Authority cited: Sections 18611 and 18763, Business and Professions Code. Reference: Sections 18640 and 18765, Business and Professions Code.

**HISTORY:**

1. New section filed 9-14-94; operative 10-14-94 (Register 94, No. 37).

**ARTICLE 4.  
LICENSE REQUIREMENTS****§ 541. PROMOTER'S LICENSE.**

In order to be issued a promoter's license, an applicant shall meet all the following requirements:

(a) The applicant, or at least one principal of the applicant if the applicant is a corporation or partnership, shall meet the requirements for licensure as a matchmaker, or in the alternative submit evidence that the promoter employs a licensed matchmaker.

(b) Provide evidence that the promoter will have complete control over the sale of tickets, collection of tickets, counting of tickets, and preparation of revenue reports, and supervision over the box office employees, ticket takers and ushers and security for each event promoted. In the alternative a promoter may submit for review by the commission an agreement between the promoter and the facility in which events will be conducted relating the sale and accounting of tickets and revenues, preparation of required reports, the supervision of box office employees, ticket takers and ushers, and security of each event.

(c) Provide evidence that the facility or facilities in which events will be held meet state and local fire and safety requirements and have dressing rooms and facilities which meet the requirements of Rules 292, 293 and 294.

(d) Pass a written examination administered by the commission on the fundamentals of martial arts and kickboxing and California law and regulations relating to martial arts and kickboxing.

NOTE: Authority cited: Sections 18611, 18763 and 18765, Business and Professions Code. Reference: Sections 18640, 18648, 18763 and 18765, Business and Professions Code.

**HISTORY:**

1. New section filed 12-17-86, effective thirtieth day thereafter (Register 86, No. 51).

**§ 542. MATCHMAKER'S LICENSE.**

In order to be licensed as a matchmaker, an applicant shall pass a written examination administered by the commission on California law and regulations relating to martial arts and kickboxing, and shall have been involved in matchmaking in at least five (5) amateur events. The examination may be waived if the applicant possesses a current and valid license as a matchmaker in another state or country and has not been subject to any disciplinary action.

NOTE: Authority cited: Sections 18611, 18763 and 18765, Business and Professions Code. Reference: Sections 18640, 18648, 18763 and 18765, Business and Professions Code.

**HISTORY:**

1. New section filed 12-17-86, effective thirtieth day thereafter (Register 86, No. 51).

2. Amendment filed 9-14-94; operative 10-14-94 (Register 94, No. 37).

**§ 543. REFEREE'S LICENSE.**

In order to be licensed as a referee, an applicant shall meet all the following requirements:

(a) Have two years of documented experience refereeing martial arts or kickboxing matches with a minimum of 100 matches with a minimum of 100 matches refereed. It is not necessary that this experience be obtained by refereeing professional contests.

(b) Be found after examination by a licensed physician to be physically and mentally fit to referee a martial arts contest and to have uncorrected visual acuity of at least 20/100 in both eyes. Weight shall be proportionate to height in accordance with the standards of the American Medical Association in effect at the time of the effective date of this regulation.

(c) Be in good physical condition with the speed and reflexes in the ring necessary for the protection of the fighters.

(d) Pass a written examination administered by the commission on the fundamentals of martial arts and

kickboxing, refereeing and judging martial arts matches and contests, and California law and regulations relating to martial arts and kickboxing.

(e) Perform a demonstration of competency by performing as a referee in a martial arts match before a representative of the commission and two licensed referees. The applicant shall demonstrate knowledge of refereeing techniques and the ability to manage and control a martial arts match.

(f) Perform a demonstration of competence in judging by judging at least 50 martial arts or kickboxing contests as verified by a representative of the commission.

(g) These requirements may be waived for any applicant who is licensed or approved as a referee by the Professional Kickboxing Association or the World Kickboxing Association.

(h) In order to renew a referee's license, a referee shall comply with subsections (b) and (c) in addition to any other requirements for renewal set forth in the law or these regulations.

NOTE: Authority cited: Sections 18611, 18763 and 18765, Business and Professions Code. Reference: Sections 18640, 18648, 18763 and 18765, Business and Professions Code.

**HISTORY:**

1. New section filed 12-17-86, effective thirtieth day thereafter (Register 86, No. 51).

**§ 544. MANAGER'S APPLICATION.**

In order to be issued a manager's license, an applicant shall pass a written examination administered by the commission on the fundamentals of martial arts and kickboxing and California law and regulations relating to martial arts and kickboxing. The examination may be waived if the applicant possesses a current and valid license as a martial arts and kickboxing manager in another state or country and has not been subject to any disciplinary action.

NOTE: Authority cited: Sections 18611, 18763 and 18765, Business and Professions Code. Reference: Sections 18640, 18648, 18763 and 18765, Business and Professions Code.

**HISTORY:**

1. New section filed 12-17-86, effective thirtieth day thereafter (Register 86, No. 51).



**§ 545. SECOND'S LICENSE.**

In order to be issued a second's license, an applicant shall meet all the following requirements:

(a) Pass a written examination administered by the commission on the fundamentals of martial arts and kickboxing and California laws and regulations relating to martial arts and kickboxing.

(2) Perform a demonstration of competency by demonstrating the duties of a second before a representative of the commission.

(3) The examination and demonstration of competency may be waived if the applicant possesses a current and valid license as a martial arts and kickboxing second in another state or country and has not been subject to any disciplinary action.

NOTE: Authority cited: Sections 18611, 18763 and 18765, Business and Professions Code. Reference: Sections 18640, 18648, 18763 and 18765, Business and Professions Code.

**HISTORY:**

1. New section filed 12-17-86, effective thirtieth day thereafter (Register 86, No. 51).

**§ 546. PROFESSIONAL MARTIAL ARTS FIGHTER'S LICENSE – HIV/HBV TESTING.**

(a) As used in Section 18712(a) of the code:

(1) The phrase "within 30 days prior to the date of application" means that the blood test will be accepted for licensure purposes for 30 days from the date of the test report.

(2) The phrase "documentary evidence satisfactory to the commission" means the original or a copy of the test report on letterhead of the laboratory, accompanied by the applicant's declaration under penalty of perjury that the report represents the applicant's HIV/HBV test results.

(b) The tests described in Section 18712 of the code shall be referred to collectively as the "HIV/HBV tests."

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18712, Business and Professions Code.

**HISTORY:**

1. New section filed 6-16-97; operative 6-16-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 25).

2. Repealer and new subsection (a)(1) filed 3-20-2001; operative 4-19-2001 (Register 2001, No. 12).

**CHAPTER 3.  
AMATEUR BOXING RULES****§ 600. CITATION.**

The rules in this subchapter shall be cited as the "Amateur Boxing Rules."

NOTE: Authority and reference cited: Section 18611, Business and Professions Code.

**HISTORY:**

1. New section filed 2-24-89; operative 3-26-89 (Register 89, No. 10). For prior history, see Register 87, No. 5.

**§ 601. PROFESSIONAL BOXING RULES APPLY.**

The rules of the commission pertaining to professional boxing shall apply to amateur boxing unless the club or organization obtains a law and rule waiver under Section 18646 of the code or the professional boxing rules are inconsistent with these Amateur Boxing Regulations or the provisions of the Boxing Act pertaining to amateur boxing.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

**HISTORY:**

1. Amendment filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 602. CERTIFICATION.**

NOTE: Authority cited: Section 18611, Business and Professions Code.

**HISTORY:**

1. Repealer filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 603. EXAMINATION, RING NAMES.**

No amateur shall be permitted to take part in a boxing contest unless the following conditions are met:

(a) All amateurs shall enter and compete in all boxing contests or tournaments under their own names. The use of a ring name is prohibited.

(b) No person who has attained the age of 36 years shall be issued an amateur license except by special permission of the commission. The commission may, in its discretion, require (1) an extensive physical examination including possible EKG, neurological examination and heart stress test; (2) a demonstration of proficiency in the ring by a gym exhibition witnessed by a qualified commission employee; and (3) a personal

appearance before the commission and such other examinations as the commission may deem appropriate. The applicant shall bear the expense of any medical examination required by the commission in connection with his or her application for licensure.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18642, 18646, 18661 and 18710, Business and Professions Code.

**HISTORY:**

1. Amendment filed 10-3-68; effective thirtieth day thereafter (Register 68, No. 37).
2. Amendment filed 4-14-72; effective thirtieth day thereafter (Register 72, No. 16).
3. Repealer and new subsection (f) filed 3-9-79; effective thirtieth day thereafter (Register 79, No. 10).
4. Change without regulatory effect of NOTE (Register 87, No. 5).
5. Amendment filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 604. ANNUAL PHYSICAL EXAMINATION.**

NOTE: Authority cited: Section 18611, Business and Professions Code.

**HISTORY:**

1. Repealer filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 605. RECORDS.**

NOTE: Authority cited: Section 18611, Business and Professions Code.

**HISTORY:**

1. Repealer filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 606. REGISTRATION FEE.**

NOTE: Authority cited: Section 18611, Business and Professions Code.

**HISTORY:**

1. Repealer filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 607. BONDS.**

**HISTORY:**

1. Repealer filed 12-4-81; effective thirtieth day thereafter (Register 81, No. 49).
2. Change without regulatory effect of NOTE (Register 87, No. 5).

**§ 608. GYMNASIUMS.**

**HISTORY:**

1. Repealer filed 10-3-68; effective thirtieth day thereafter (Register 68, No. 37).

**§ 609. MEDICAL INSURANCE.**

Any amateur club or promoter licensed by the commission shall maintain a short term medical assistance insurance policy approved by the commission for all amateur boxers participating in a match conducted by the amateur club or promoter.

(b) "Short term medical assistance insurance" as used in this section, refers to coverage or payment of direct expenses of medical treatment, including emergency aid, diagnostic procedures, drugs, surgical procedures and physical therapy, arising directly from injuries incurred during an amateur boxing match in California which has been approved by the commission.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18641, Business and Professions Code.

**HISTORY:**

1. Amendment filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 610. EQUIPMENT.**

NOTE: Authority cited: Section 18611, Business and Professions Code.

**HISTORY:**

1. Repealer filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 611. GLOVES.**

**HISTORY:**

1. Repealer filed 9-28-76; effective thirtieth day thereafter (Register 76, No. 40).

**§ 612. OFFICIALS.**

NOTE: Authority cited: Section 18611, Business and Professions Code.

HISTORY:

1. Repealer filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 613. PROFESSIONAL BOXING PROMOTERS.**

No professional boxing promoter shall be allowed to promote or conduct any amateur boxing contest unless the promoter is licensed to promote amateur contests.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18646, Business and Professions Code.

HISTORY:

1. Amendment filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 614. MATCHMAKER.**

NOTE: Authority cited: Section 18611, Business and Professions Code.

HISTORY:

1. Amendment filed 10-3-68; effective thirtieth day thereafter (Register 68, No. 37).
2. Repealer filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 615. BOXER DOWN.**

NOTE: Authority cited: Section 18611, Business and Professions Code.

HISTORY:

1. Repealer filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 616. RESUMING BOXING.**

NOTE: Authority cited: Section 18611, Business and Professions Code.

HISTORY:

1. Repealer filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 617. DRAWING FOR TOURNAMENTS.**

NOTE: Authority cited: Section 18611, Business and Professions Code.

HISTORY:

1. Repealer filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 618. SECONDS.**

Each competitor who has no coach shall have one licensed second who may be furnished by the club. A coach or handler of amateur boxers shall be a licensed second or manager.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18642 and 18646, Business and Professions Code.

HISTORY:

1. Amendment filed 4-14-72; effective thirtieth day thereafter (Register 72, No. 16).
2. Amendment filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 619. REFEREE.**

NOTE: Authority cited: Section 18611, Business and Professions Code.

HISTORY:

1. Repealer filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 620. WINNER.**

A winner shall be declared in tournaments, but in matched contests where both boxers have an equal number of points a draw decision may be given. Referee and/or judges shall score.

**§ 621. TAMPERING WITH AMATEUR.**

HISTORY:

1. Repealer filed 9-10-75; effective thirtieth day thereafter (Register No. 75, No. 37).

**§ 622. TRANSPORTATION EXPENSES.**

NOTE: Authority cited: Section 18611, Business and Professions Code.

HISTORY:

1. Repealer filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

**§ 623. ADVANCE NOTICE.**

Advance notices for all amateur shows shall be filed in the office of the commission at least five days before the date of each show.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18641, Business and Professions Code.

**HISTORY:**

1. Amendment filed 10-3-68; effective thirtieth day thereafter (Register 68, No. 37).
2. Amendment filed 2-24-89; operative 3-26-89 (Register 89, No. 10).

## **CHAPTER 4. AMATEUR FULL-CONTACT MARTIAL ARTS**

### **ARTICLE 1. GENERAL PROVISIONS**

**§ 700. CITATION.**

The rules in this chapter shall be cited and referred to as the "Amateur Full-Contact Martial Arts and Kickboxing Rules."

NOTE: Authority cited: Section 18763, Business and Professions Code. Reference: Section 18763, Business and Professions Code.

**HISTORY:**

1. Renumbering of former chapter 4 to new chapter 5, new chapter 4, article 1 and section filed 8-2-94; operative 9-1-94 (Register 94, No. 31).

**§ 702. PROFESSIONAL FULL-CONTACT MARTIAL ARTS AND KICKBOXING RULES APPLY.**

The Professional Full-Contact Martial Arts and Kickboxing Rules (Chapter 2 of this division.) shall apply to amateur full-contact martial arts and kickboxing, unless a club or organization obtains a waiver of the applicable laws and rules under Section 18646 of the code or unless they are clearly inconsistent with the rules contained in this chapter.

NOTE: Authority cited: Section 18763, Business and Professions Code. Reference: Section 18763, Business and Professions Code.

**HISTORY:**

1. New section filed 8-2-94; operative 9-1-94 (Register 94, No. 31).

**§ 705. CLASSES OF AMATEUR CONTESTANTS.**

(a) Novice Class. Any contestant who has participated in three or less full-contact martial arts or kickboxing contests approved by the commission may be in the Novice Class.

(b) Open Class. Any contestant who has participated in more than three full contact martial arts or kickboxing contests approved by the commission shall be in the Open Class.

NOTE: Authority cited: Section 18763, Business and Professions Code. Reference: Sections 18640 and 18765, Business and Professions Code.

**HISTORY:**

1. New section filed 8-2-94; operative 9-1-94 (Register 94, No. 31).

## **ARTICLE 2. SAFETY STANDARDS**

**§ 710. CONTESTANTS' EQUIPMENT.**

In addition to that equipment required in Section 513 of these regulations, every contestant shall wear all of the following during a contest or match:

- (a) At least ten (10) ounce gloves;
- (b) If the contestant is in the Novice class, headgear that is approved by the Amateur Boxing Federation or an equivalent organization.
- (c) Padded shin guards that extend from the ankle or instep to the top of the shin, and a safety boot that covers the toes.

NOTE: Authority cited: Section 18763, Business and Professions Code. Reference: Sections 18640 and 18765, Business and Professions Code.

**HISTORY:**

1. New article 2 and section filed 8-2-94; operative 9-1-94 (Register 94, No. 31).

**§ 711. HEADGEAR; UNDER 18.**

In addition to that equipment required in Section 513 and 710 of these regulations, every contestant in the Open Class who is under 18 years of age may wear a headgear that is approved by the Amateur Boxing Federation or an equivalent organization during a contest or match.

NOTE: Authority cited: Section 18763, Business and Professions Code. Reference: Sections 18640 and 18766, Business and Professions Code.

**HISTORY:**

1. New section filed 8-2-94; operative 9-1-94 (Register 94, No. 31).

**ARTICLE 3.  
CONDUCT OF MATCHES  
AND CONTESTS**

**§ 720. NUMBER OF ROUNDS.**

(a) The maximum number of rounds allowed for any contestant in the Novice Class shall not exceed three two-minute rounds with a one-minute rest period between rounds.

(b) The maximum number of rounds allowed for any contestant in the Open Class shall not exceed five two-minute rounds with a one-minute rest period between rounds.

NOTE: Authority cited: Section 18763, Business and Professions Code. Reference: Sections 18640 and 18765, Business and Professions Code.

**HISTORY:**

1. New article 3 and section filed 8-2-94; operative 9-1-94 (Register 94, No. 31).

**§ 723. KICKS; NOVICE CLASS.**

Between contestants in the Novice Class, the only kicks allowed are to the outside of the legs or boot and kicks to the upper body. All other kicks shall be considered a foul.

NOTE: Authority cited: Section 18763, Business and Professions Code. Reference: Sections 18640 and 18765, Business and Professions Code.

**HISTORY:**

1. New section filed 8-2-94; operative 9-1-94 (Register 94, No. 31).

**PROFESSIONAL BOXING SAFETY ACT OF 1996**  
**(FEDERAL BOXING ACT)**  
**TITLE 15. COMMERCE AND TRADE**  
**CHAPTER 89. PROFESSIONAL BOXING SAFETY**

**§ 6301. DEFINITIONS.**

For purposes of this chapter:

(1) Boxer. The term “boxer” means an individual who fights in a professional boxing match.

(2) Boxing commission. (A) The term “boxing commission” means an entity authorized under State law to regulate professional boxing matches.

(3) Boxer registry. The term “boxer registry” means any entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers.

(4) Licensee. The term “licensee” means an individual who serves as a trainer, second, or cut man for a boxer.

(5) Manager. The term “manager” means a person who receives compensation for service as an agent or representative of a boxer.

(6) Matchmaker. The term “matchmaker” means a person that proposes, selects, and arranges the boxers to participate in a professional boxing match.

(7) Physician. The term “physician” means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action.

(8) Professional boxing match. The term “professional boxing match” means a boxing contest held in the United States between individuals for financial compensation. Such term does not include a boxing contest that is regulated by an amateur sports organization.

(9) Promoter. The term “promoter” means the person primarily responsible for organizing, promoting, and producing a professional boxing match.

(10) State. The term “State” means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States.

History: (Oct. 9, 1996, P.L. 104-272, § 2, 110 Stat. 3309.)

**§ 6302. PURPOSES.**

The purposes of this chapter are—

(1) to improve and expand the system of safety precautions that protects the welfare of professional boxers; and

(2) to assist State boxing commissions to provide proper oversight for the professional boxing industry in the United States.

History: (Oct. 9, 1996, P.L. 104-272, § 3, 110 Stat. 3310.)

**§ 6303. BOXING MATCHES IN STATES WITHOUT BOXING COMMISSIONS.**

No person may arrange, promote, organize, produce, or fight in a professional boxing match held in a State that does not have a boxing commission unless the match is supervised by a boxing commission from another State and subject to the most recent version of the recommended regulatory guidelines certified and published by the Association of Boxing Commissions as well as any additional relevant professional boxing regulations and requirements of such other State.

History: (Oct 9, 1996, P.L. 104-272, § 4, 110 Stat. 3310.)

**§ 6304. SAFETY STANDARDS.**

No person may arrange, promote, organize, produce, or fight in a professional boxing match without meeting each of the following requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:

(1) A physical examination of each boxer by a physician certifying whether or not the boxer is physically fit to safely compete, copies of which must be provided to the boxing commission.

(2) Except as otherwise expressly provided under regulation of a boxing commission promulgated subsequent to the enactment of this Act [enacted Oct. 9, 1996], an ambulance or medical personnel with appropriate resuscitation equipment continuously present on site.

(3) A physician continuously present at ringside.

(4) Health insurance for each boxer to provide medical coverage for any injuries sustained in the match.

History: (Oct. 9, 1996, P.L. 104-272, § 5, 110 Stat. 3310.)

### § 6305. REGISTRATION.

(a) Requirements. Each boxer shall register with—

(1) the boxing commission of the State in which such boxer resides; or

(2) in the case of a boxer who is a resident of a foreign country, or a State in which there is no boxing commission, the boxing commission of any State that has such a commission.

(b) Identification Card

(1) Issuance. A boxing commission shall issue to each professional boxer who registers in accordance with subsection (a), an identification card that contains each of the following:

(A) A recent photograph of the boxer.

(B) The social security number of the boxer (or, in the case of a foreign boxer, any similar citizen identification number or professional boxer number from the country of residence of the boxer.)

(c) A personal identification number assigned to the boxer by a boxing registry.

(2) Renewal. Each professional boxer shall renew his or her identification card at least once every 2 years.

(3) Presentation. Each professional boxer shall present his or her identification card to the appropriate boxing commission not later than the time of the weigh-in for a professional boxing match.

History: (Oct. 9, 1996, P.L. 104-272, § 6, 110 Stat. 3310.)

### § 6306. REVIEW.

(a) Procedures. Each boxing commission shall establish each of the following procedures:

(1) Procedures to evaluate the professional records and physician's certification of each boxer participating in a professional boxing match in the State, and to deny authorization for a boxer to fight where appropriate.

(2) Procedures to ensure that, except as provided in subsection (b), no boxer is permitted to box while under suspension from any boxing commission due to—

(A) a recent knockout or series of consecutive losses;

(B) an injury, requirement for a medical procedure, or physician denial of certification;

(C) failure of a drug test; or

(D) the use of false aliases, or falsifying, or attempting to falsify, official identification cards or documents.

(3) Procedures to review a suspension where appealed by a boxer, including an opportunity for a boxer to present contradictory evidence.

(4) Procedures to revoke a suspension where a boxer—

(A) was suspended under subparagraph (A) or (B) of paragraph (2) of this subsection, and has furnished further proof of a sufficiently improved medical or physical condition; or

(B) furnishes proof under subparagraph (C) or (D) of paragraph (2) that a suspension was not, or is no longer, merited by the facts.

(b) Suspension in another State. A boxing commission may allow a boxer who is under suspension in any State to participate in a professional boxing match—

(1) for any reason other than those listed in subsection (a) if such commission notifies in writing and consults with the designated official of the suspending State's boxing commission prior to the grant of approval for such individual to participate in that professional boxing match; or

(2) if the boxer appeals to the Association of Boxing Commissions, and the Association of Boxing Commissions determines that the suspension of such boxer was without sufficient grounds, for an improper purpose, or not related to the health and safety of the boxer for the purposes of this chapter.

History: (Oct. 9, 1996, P.L. 104-272, § 7, 110 Stat. 3311.)

### **§ 6307. REPORTING.**

Not later than 48 business hours after the conclusion of a professional boxing match, the supervising boxing commission shall report the results of such boxing match and any related suspensions to each boxer registry.

History: (Oct. 9, 1996, P.L. 104-272, § 8, 110 Stat. 3311.)

### **§ 6308. CONFLICTS OF INTEREST.**

No member or employee of a boxing commission, no person who administers or enforces State boxing laws, and no member of the Association of Boxing Commissions may belong to, contract with, or receive any compensation from, any person who sanctions, arranges, or promotes professional boxing matches or who otherwise has a financial interest in an active boxer currently registered with a boxer registry. For purposes of this section, the term “compensation” does not include funds held in escrow for payment to another person in connection with a professional boxing match. The prohibition set forth in this section shall not apply to any contract entered into, or any reasonable compensation received, by a boxing commission to supervise a professional boxing match in another State as described in Section 6303 of title.

History: (Oct. 9, 1996, P.L. 104-272, § 9, 110 Stat. 3311.)

### **§ 6309. ENFORCEMENT.**

(a) Injunctions. Whenever the Attorney General of the United States has reasonable cause to believe that a person is engaged in a violation of this chapter, the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order, against the person, as the Attorney General determines to be necessary to restrain the person from continuing to engage in, sanction, promote, or otherwise participate in a professional boxing match in violation of this chapter.

(b) Criminal penalties.

(1) Managers, promoters, matchmakers, and licensees. Any manager, promoter, matchmaker, and licensee who knowingly violates, or coerces or causes any other person to violate, any provision of this chapter shall, upon conviction, be imprisoned for not more than 1 year or fined not more than \$20,000, or both.

(2) Conflict of Interest. Any member or employee of a boxing commission, any person who administers or enforces State boxing laws, and any member of the Association of Boxing Commissions who knowingly violates Section 6308 of this title shall, upon conviction, be imprisoned for not more than 1 year or fined not more than \$20,000, or both.

(3) Boxers. Any boxer who knowingly violates any provision of this chapter shall, upon conviction, be fined not more than \$1,000.

History: Oct. 9, 1996, P.L. 104-272, § 110, Stat. 3312.)

### **§ 6310. NOTIFICATION OF SUPERVISING BOXING COMMISSION.**

Each promoter who intends to hold a professional boxing match in a State that does not have a boxing commission shall, not later than 14 days before the intended date of that match, provide written notification to the supervising boxing commission designated under Section 6303 of this title. Such notification shall contain each of the following:

(1) Assurances that, with respect to that professional boxing match, all applicable requirements of this chapter will be met.

(2) The name of any person who, at the time of the submission of the notification—

(A) is under suspension from a boxing commission; and

(B) will be involved in organizing or participating in the event.

(3) For any individual listed under paragraph (2), the identity of the boxing commission that issued the suspension described in paragraph (2) (A).

History: (Oct. 9, 1996, P.L. 104-272, § 11, 110 Stat. 3312.)



**§ 6311. STUDIES.**

(a) Pension. The Secretary of Labor shall conduct a study on the feasibility and cost of a national pension system for boxers, including potential funding sources.

(b) Health, safety and equipment. The Secretary of Health and Human Services shall conduct a study to develop recommendations for health, safety, and equipment standards for boxers and for professional boxing matches.

(c) Reports. Not later than one year after October 9, 1996, the Secretary of Labor shall submit a report to the Congress on the finds of the study conducted pursuant to subsection (a) of this section. Not later than 180 days after October 9, 1996, the Secretary of Health and Human Services shall submit a report to the Congress on the findings of the study conducted pursuant to subsection (b) of this section.

History: (Oct. 9, 1996, P.L. 104-272, § 12, 110 Stat. 3313.)

**§ 6312. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN RESERVATIONS.**

(a) Definitions. For purposes of this section, the following definitions shall apply:

(1) Indian tribe. The term “Indian Tribe” has the same meaning as in section 450b(e) of Title 25.

(2) Reservation. The term “reservation” means the geographically defined area over which a tribal organization exercises governmental jurisdiction.

(3) Tribal organization. The term “tribal organization” has the same meaning as in section 450b(1) of Title 25.

(b) Requirements.

(1) In general. Notwithstanding any other provision of law, a tribal organization of an Indian tribe may, upon the initiative of the tribal organization—

(A) regulate professional boxing matches held within the reservation under the jurisdiction of that tribal organization; and

(B) carry out that regulation or enter into a contract with a boxing commission to carry out that regulation.

(2) Standards and licensing. If a tribal organization regulates professional boxing matches pursuant to paragraph (1), the tribal organization shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as:

(A) the otherwise applicable standards and requirements of a State in which the reservation is located; or

(B) the most recently published version of the recommended regulatory guidelines certified and published by the Association of Boxing Commissions.

History: (Oct. 9, 1996, P.L. 104-272, § 13, 110 Stat. 3313.)

**§ 6313. RELATIONSHIP WITH STATE LAW.**

Nothing in this chapter shall prohibit a State from adopting or enforcing supplemental or more stringent laws or regulations not inconsistent with this chapter, or criminal, civil, or administrative fines for violations of such laws or regulations.

History: (Oct. 9, 1996, P.L. 104-272, § 14, 110 Stat. 3313.)

**ADMINISTRATIVE PROCEDURE ACT**  
**GOVERNMENT CODE. CHAPTER 4.5.**  
**ADMINISTRATIVE ADJUDICATION: GENERAL PROVISION**

**ARTICLE 2.**  
**DEFINITIONS**

**§ 11405.10. CONSTRUCTION OF CHAPTER.**

Unless the provision or context requires otherwise, the definitions in this article govern the construction of this chapter. (Added by Stats. 1995, c. 938 (S.B.523), §21, operative July 1, 1997.)

**§ 11405.20. ADJUDICATIVE PROCEEDING.**

“Adjudicative proceeding” means an evidentiary hearing for determination of facts pursuant to which an agency formulates and issues a decision. (Added by Stats. 1995, c. 938 (S.B.523), §21, operative July 1, 1997.)

**§ 11405.30. AGENCY.**

“Agency” means a board, bureau, commission, department, division, office, officer, or other administrative unit, including the agency head, and one or more members of the agency head or agency employees or other persons directly or indirectly purporting to act on behalf of or under the authority of the agency head. To the extent it purports to exercise authority pursuant to this chapter, an administrative unit otherwise qualifying as an agency shall be treated as a separate agency even if the unit is located within or subordinate to another agency. (Added by Stats.1995, c. 938 (S.B.523), §21, operative July 1, 1997.)

**§ 11405.40. AGENCY HEAD.**

“Agency head” means a person or body in which the ultimate legal authority of an agency is vested, and includes a person or body to which the power to act is delegated pursuant to authority to delegate the agency’s power to hear and decide. (Added by Stats.1995, c. 938 (S.B.523), §21, operative July 1, 1997.)

**§ 11405.50. DECISION.**

(a) “Decision” means an agency action of specific application that determines a legal right, duty, privilege, immunity, or other legal interest of a particular person.

(b) Nothing in this section limits any of the following:

(1) The precedential effect of a decision under Section 11425.60.

(2) The authority of an agency to make a declaratory decision pursuant to Article 14 (commencing with Section 11465.10). (Added by Stats.1995, c. 938 (S.B.523), §21, operative July 1, 1997.)

**§ 11405.60. PARTY.**

“Party” includes the agency that is taking action, the person to which the agency action is directed, and any other person named as a party or allowed to appear or intervene in the proceeding. If the agency that is taking action and the agency that is conducting the adjudicative proceeding are separate agencies, the agency that is taking action is a party and the agency that is conducting the adjudicative proceeding is not a party. (Added by Stats.1995, c. 938 (S.B.523), §21, operative July 1, 1997.)

**§11405.70. PERSON.**

“Person” includes an individual, partnership, corporation, governmental subdivision or unit of a governmental subdivision, or public or private organization or entity of any character. (Added by Stats.1995, c. 938 (S.B.523), §21, operative July 1, 1997.)

**§ 11405.80. PRESIDING OFFICER.**

“Presiding officer” means the agency head, member of the agency head, administrative law judge, hearing officer, or other person who presides in an adjudicative proceeding. (Added by Stats.1995, c. 938 (S.B.523), §21, operative July 1, 1997.)

**ARTICLE 3.**  
**APPLICATION OF CHAPTER**

**§ 11410.10. EVIDENTIARY HEARING REQUIRED.**

This chapter applies to a decision by an agency if, under the federal or state Constitution or a federal or state statute, an evidentiary hearing for determination of facts is required for formulation and issuance of the decision. (Added by Stats.1995, c. 938 (S.B.523), §21, operative July 1, 1997.)

**§ 11410.20. AGENCIES; LEGISLATIVE, JUDICIAL AND EXECUTIVE BRANCHES.**

Except as otherwise expressly provided by statute:

(a) This chapter applies to all agencies of the state.

This chapter does not apply to the Legislature, the courts or judicial branch, or the Governor or office of the Governor. (Added by Stats.1995, c. 938 (S.B.523), §21, operative July 1, 1997.)

**ARTICLE 6.  
ADMINISTRATIVE  
ADJUDICATION BILL OF RIGHTS**

**§ 11425.10. GOVERNING PROCEDURES; REQUIREMENTS.**

(a) The governing procedure by which an agency conducts an adjudicative proceeding is subject to all of the following requirements:

- (1) The agency shall give the person to which the agency action is directed notice and an opportunity to be heard, including the opportunity to present and rebut evidence.
- (2) The agency shall make available to the person to which the agency action is directed a copy of the governing procedure, including a statement whether Chapter 5 (commencing with Section 11500) is applicable to the proceeding.
- (3) The hearing shall be open to public observation as provided in Section 11425.20.
- (4) The adjudicative function shall be separated from the investigative, prosecutorial, and advocacy functions within the agency as provided in Section 11425.30.
- (5) The presiding officer is subject to disqualification for bias, prejudice, or interest as provided in Section 11425.40.
- (6) The decision shall be in writing, be based on the record, and include a statement of the factual and legal basis of the decision as provided in Section 11425.50.
- (7) A decision may not be relied on as precedent unless the agency designates and indexes the decision as precedent as provided in Section 11425.60.
- (8) Ex parte communications shall be restricted as provided in Article 7 (commencing with Section 11430.10).

(9) Language assistance shall be made available as provided in Article 8 (commencing with Section 11435.05) by an agency described in Section 11018 or 11435.15.

(b) The requirements of this section apply to the governing procedure by which an agency conducts an adjudicative proceeding without further action by the agency, and prevail over a conflicting or inconsistent provision of the governing procedure, subject to Section 11415.20. The governing procedure by which an agency conducts an adjudicative proceeding may include provisions equivalent to, or more protective of the rights of the person to which the agency action is directed than, the requirements of this section. (Added by Stats.1995, c. 938 (S.B.523), §21, operative July 1, 1997.)

**§11425.20. OPEN HEARING; EXCEPTIONS.**

(a) A hearing shall be open to public observation. Nothing in this subdivision limits the authority of the presiding officer to order closure of a hearing or make other protective orders to the extent necessary or proper for any of the following purposes:

- (1) To satisfy the United States Constitution, the California Constitution, federal or state statute, or other law, including but not limited to laws protecting privileged, confidential, or other protected information.
- (2) To ensure a fair hearing in the circumstances of the particular case.
- (3) To conduct the hearing, including the manner of examining witnesses, in a way that is appropriate to protect a minor witness or a witness with a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code, from intimidation or other harm, taking into account the rights of all persons.

(b) To the extent a hearing is conducted by telephone, television, or other electronic means, subdivision (a) is satisfied if members of the public have an opportunity to do both of the following:

- (1) At reasonable times, hear or inspect the agency's record, and inspect any transcript obtained by the agency.
- (2) Be physically present at the place where the presiding officer is conducting the hearing.

(c) This section does not apply to a prehearing conference, settlement conference, or proceedings for alternative dispute resolution other than binding arbitration. (Added by Stats.1995, c. 938 (S.B.523), §21, operative July 1, 1997.)

### **§ 11425.30. PRESIDING OFFICER; DISQUALIFICATION.**

(a) A person may not serve as presiding officer in an adjudicative proceeding in any of the following circumstances:

(1) The person has served as investigator, prosecutor, or advocate in the proceeding or its preadjudicative stage.

(2) The person is subject to the authority, direction, or discretion of a person who has served as investigator, prosecutor, or advocate in the proceeding or its preadjudicative stage.

(b) Notwithstanding subdivision (a):

(1) A person may serve as presiding officer at successive stages of an adjudicative proceeding.

(2) A person who has participated only as a decisionmaker or as an advisor to a decisionmaker in a determination of probable cause or other equivalent preliminary determination in an adjudicative proceeding or its preadjudicative stage may serve as presiding officer in the proceeding.

(c) The provisions of this section governing separation of functions as to the presiding officer also govern separation of functions as to the agency head or other person or body to which the power to hear or decide in the proceeding is delegated. (Added by Stats.1995, c.938 (S.B.523), §21, operative July 1, 1997.)

### **§ 11425.40. BIAS, PREJUDICE OR INTEREST.**

(a) The presiding officer is subject to disqualification for bias, prejudice, or interest in the proceeding.

(b) It is not alone or in itself grounds for disqualification, without further evidence of bias, prejudice, or interest, that the presiding officer:

(1) Is or is not a member of a racial, ethnic, religious, sexual, or similar group and the proceeding involves the rights of that group.

(2) Has experience, technical competence, or specialized knowledge of, or has in any capacity expressed a view on, a legal, factual, or policy issue presented in the proceeding.

(3) Has as a lawyer or public official participated in the drafting of laws or regulations or in the effort to pass or defeat laws or regulations, the meaning, effect, or application of which is in issue in the proceeding.

(c) The provisions of this section governing disqualification of the presiding officer also govern disqualification of the agency head or other person or body to which the power to hear or decide in the proceeding is delegated.

(d) An agency that conducts an adjudicative proceeding may provide by regulation for peremptory challenge of the presiding officer. (Added by State. 1995, c.938 (S.B.523), §21, operative July 1, 1997.)

### **§ 11425.50. WRITTEN DECISION; CONTENTS.**

(a) The decision shall be in writing and shall include a statement of the factual and legal basis for the decision.

(b) The statement of the factual basis for the decision may be in the language of, or by reference to, the pleadings. If the statement is no more than mere repetition or paraphrase of the relevant statute or regulation, the statement shall be accompanied by a concise and explicit statement of the underlying facts of record that support the decision. If the factual basis for the decision includes a determination based substantially on the credibility of a witness, the statement shall identify any specific evidence of the observed demeanor, manner, or attitude of the witness that supports the determination, and on judicial review the court shall give great weight to the determination to the extent the determination identifies the observed demeanor, manner, or attitude of the witness that supports it.

(c) The statement of the factual basis for the decision shall be based exclusively on the evidence of record in the proceeding and on matters officially noticed in the proceeding. The presiding officer's experience, technical competence, and specialized knowledge may be used in evaluating evidence.

(d) Nothing in this section limits the information that may be contained in the decision, including a summary of evidence relied on.

(e) A penalty may not be based on a guideline, criterion, bulletin, manual, instruction, order, standard of general application or other rule subject to Chapter 3.5 (commencing with Section 11340) unless it has been adopted as a regulation pursuant to Chapter 3.5 (commencing with Section 11340). (Added by Stats.1995, c. 938 (S.B.5234), §21, operative July 1, 1997.)

**§ 11425.60. PRECEDENT; DESIGNATION; INDEX.**

(a) A decision may not be expressly relied on as precedent unless it is designated as a precedent decision by the agency.

(b) An agency may designate as a precedent decision a decision or part of a decision that contains a significant legal or policy determination of general application that is likely to recur. Designation of a decision or part of a decision as a precedent decision is not rulemaking and need not be done under Chapter 3.5 (commencing with Section 11340). An agency's designation of a decision or part of a decision, or failure to designate a decision or part of a decision, as a precedent decision is not subject to judicial review.

(c) An agency shall maintain an index of significant legal and policy determinations made in precedent decisions. The index shall be updated not less frequently than annually, unless no precedent decision has been designated since the last preceding update. The index shall be made available to the public by subscription, and its availability shall be publicized annually in the California Regulatory Notice Register.

(d) This section applies to decisions issued on or after July 1, 1997. Nothing in this section precludes an agency from designating and indexing as a precedent decision a decision issued before July 1, 1997. (Added by Stats.1995, c. 938 (S.B.523), §21, operative July 1, 1997. Amended by Stats.1996, c. 390 (S.B.794), §8, eff. Aug.19, 1996, operative July 1, 1997.)

**ARTICLE 7.****EX PARTE COMMUNICATIONS****§ 11430.10. PENDING PROCEEDINGS.**

(a) While the proceeding is pending there shall be no communication, direct or indirect, regarding any issue in the proceeding, to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and opportunity for all parties to participate in the communication.

(b) Nothing in this section precludes a communication, including a communication from an employee or representative of an agency that is a party, made on the record at the hearing.

(c) For the purpose of this section, a proceeding is pending from the issuance of the agency's pleading, or from an application for an agency decision, whichever is earlier. (Added by Stats. 1995, c. 938 (S.B. 523), §21, operative July 1, 1997.)

**§ 11430.30. PERMISSIBLE COMMUNICATIONS FROM EMPLOYEES OR REPRESENTATIVES OF AGENCIES.**

A communication otherwise prohibited by Section 11430.10 from an employee or representative of an agency that is a party to the presiding officer is permissible in any of the following circumstances:

(a) The communication is for the purpose of assistance and advice to the presiding officer from a person who has not served as investigator, prosecutor, or advocate in the proceeding or its preadjudicative stage. An assistant or advisor may evaluate the evidence in the record but shall not furnish, augment, diminish, or modify the evidence in the record.

(b) The communication is for the purpose of advising the presiding officer concerning a settlement proposal advocated by the advisor.

(c) The communication is for the purpose of advising the presiding officer concerning any of the following matters in an adjudicative proceeding that is nonprosecutorial in character.

(1) The advice involves a technical issue in the proceeding and the advice is necessary for, and is not otherwise reasonably available to, the presiding officer, provided the content of the advice is disclosed on the record and all parties are given an opportunity to address it in the manner provided in Section 11430.50.

(2) The advice involves an issue in a proceeding of the San Francisco Bay conservation and Development Commission, California Tahoe Regional Planning Agency, Delta Protection Commission, Water Resources Control Board, or a regional water quality control board. (Added by Stats.1995, c.938 (S.B.523), §21, operative July 1, 1997.)

**§ 11430.40. COMMUNICATIONS  
RECEIVED PRIOR TO  
SERVING AS PRESIDING  
OFFICER; DISCLOSURE.**

(a) If, while the proceeding is pending but before serving as presiding officer, a person receives a communication of a type that would be in violation of this article if received while serving as presiding officer, the person, promptly after starting to serve, shall disclose the content of the communication on the record and give all parties an opportunity to address it in the manner provided in Section 11430.50. (Added by Stats.1995, c.938 (S.B.523), §21, operative July 1, 1997.)

**§ 11430.50. VIOLATIONS; DUTY OF  
PRESIDING OFFICER.**

(a) If a presiding officer receives a communication in violation of this article, the presiding officer shall make all of the following a part of the record in the proceeding:

(1) If the communication is written, the writing and any written response of the presiding officer to the communication.

(2) If the communication is oral, a memorandum stating the substance of the communication, any response made by the presiding officer, and the identity of each person from whom the presiding officer received the communication.

(b) The presiding officer shall notify all parties that a communication described in this section has been made a part of the record.

(c) If a party requests an opportunity to address the communication within 10 days after receipt of notice of the communication:

(1) The party shall be allowed to comment on the communication.

(2) The presiding officer has discretion to allow the party to present evidence concerning the subject of the communication, including discretion to reopen a hearing that has been concluded. (Added by Stats.1995, c. 938 (S.B.523), §21, operative July 1, 1997.)

**§ 11430.60. DISQUALIFICATION OF  
PRESIDING OFFICER.**

Receipt by the presiding officer of a communication in violation of this article may be grounds for disqualification of the presiding officer. If the presiding officer is disqualified, the portion of the record pertaining to

the ex parte communication may be sealed by protective order of the disqualified presiding officer. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§ 11430.70. AGENCY HEADS OR OTHER  
PERSONS WITH POWER TO  
HEAR OR DECIDE.**

(a) Subject to subdivision (b), the provisions of this article governing ex parte communications to the presiding officer also govern ex parte communications in an adjudicative proceeding to the agency head or other person or body to which the power to hear or decide in the proceeding is delegated.

(b) An ex parte communication to the agency head or other person or body to which the power to hear or decide in the proceeding is delegated is permissible in an individualized ratemaking proceeding if the content of the communication is disclosed on the record and all parties are given an opportunity to address it in the manner provided in Section 11430.50. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§ 11430.80. COMMUNICATIONS  
BETWEEN PRESIDING  
OFFICER AND AGENCY HEAD  
REGARDING THE MERITS OF  
ANY ISSUE.**

(a) There shall be no communication, direct or indirect, while a proceeding is pending regarding the merits of any issue in the proceeding, between the presiding officer and the agency head or other person or body to which the power to hear or decide in the proceeding is delegated.

(b) This section does not apply where the agency head or other person or body to which the power to hear or decide in the proceeding is delegated serves as both presiding officer and agency head, or where the presiding officer does not issue a decision in the proceeding. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**ARTICLE 8.  
LANGUAGE ASSISTANCE**

**§ 11435.05. LANGUAGE ASSISTANCE.**

As used in this article, "language assistance" means oral interpretation or written translation into English of a language other than English or of English into an-

other language for a party or witness who cannot speak or understand English or who can do so only with difficulty. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§ 11435.10. APPLICATION OF EVIDENCE  
CODE SECTION 754.**

Nothing in this article limits the application or effect of Section 754 of the Evidence Code to interpretation for a deaf or hard-of-hearing party or witness in an adjudicative proceeding. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§ 11435.15. STATE AGENCIES PROVIDING  
LANGUAGE ASSISTANCE.**

(a) The following state agencies shall provide language assistance in adjudicative proceedings to the extent provided in this article:

Agricultural Labor Relations Board  
Department of Alcohol and Drug Abuse  
State Athletic Commission  
California Unemployment Insurance Appeals Board  
Board of Prison Terms  
State Board of Barbering and Cosmetology  
State Department of Developmental Services  
Public Employment Relations Board  
Franchise Tax Board  
State Department of Health Services  
Department of Housing and Community Development  
Department of Industrial Relations  
State Department of Mental Health  
Department of Motor Vehicles  
Notary Public Section, Office of the Secretary of State  
Public Utilities Commission  
Office of Statewide Health Planning and Development  
State Department of Social Services  
Workers' Compensation Appeals Board  
Department of Youth Authority  
Youthful Offender Parole Board  
Department of Insurance  
State Personnel Board  
California Board of Podiatric Medicine  
Board of Psychology

(b) Nothing in this section prevents an agency other than an agency listed in subdivision (a) from electing to adopt any of the procedures in this article, provided that any selection of an interpreter is subject to Section 11435.30.

(c) Nothing in this section prohibits an agency from providing an interpreter during a proceeding to which this chapter does not apply, including an informal factfinding or informal investigatory hearing.

(d) This article applies to an agency listed in subdivision (a) notwithstanding a general provision that this chapter does not apply to some or all of an agency's adjudicative proceedings. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997. Amended by Stats. 1996, c. 390 (S.B. 794), § 9, eff. Aug. 19, 1996, operative July 1, 1997.)

**§ 11435.20. HEARINGS OR MEDICAL  
EXAMINATIONS; ENGLISH  
LANGUAGE REQUIRED.**

(a) The hearing, or any medical examination conducted for the purpose of determining compensation or monetary award, shall be conducted in English.

(b) If a party or the party's witness does not proficiently speak or understand English and before commencement of the hearing or medical examination requests language assistance, an agency subject to the language assistance requirement of this article shall provide the party or witness an interpreter. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§ 11435.25. COST OF INTERPRETERS;  
PAYMENT; WORKERS'  
COMPENSATION  
PROCEEDINGS.**

(a) The cost of providing an interpreter under this article shall be paid by the agency having jurisdiction over the matter if the presiding officer so directs, otherwise by the party at whose request the interpreter is provided.

(b) The presiding officer's decision to direct payment shall be based upon an equitable consideration of all the circumstances in each case, such as the ability of the party in need of the interpreter to pay.

(c) Notwithstanding any other provision of this section, in a hearing before the Workers' Compensation Appeals Board or the Division of Workers' Compensation relating to workers' compensation claims, the payment of the costs of providing an interpreter shall be governed by the rules and regulations promulgated by the Workers' Compensation Appeals Board or the Administrative Director of the Division of Workers' Compensation, as appropriate. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§ 11435.30. CERTIFIED ADMINISTRATIVE HEARING INTERPRETERS; ANNUAL LIST; COURT INTERPRETERS.**

(a) The State Personnel Board shall establish, maintain, administer, and publish annually an updated list of certified administrative hearing interpreters it has determined meet the minimum standards in interpreting skills and linguistic abilities in languages designated pursuant to Section 11435.40. Any interpreter so listed may be examined by each employing agency to determine the interpreter's knowledge of the employing agency's technical program terminology and procedures.

(b) Court interpreters certified pursuant to Section 68562, and interpreters listed on the State Personnel Board's recommended lists of court and administrative hearing interpreters prior to July 1, 1993, shall be deemed certified for purposes of this section. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§ 11435.35. CERTIFIED MEDICAL EXAMINATION INTERPRETERS; ANNUAL LIST; COURT INTERPRETERS.**

(a) The State Personnel Board shall establish, maintain, administer, and publish annually, an updated list of certified medical examination interpreters it has determined meet the minimum standards in interpreting skills and linguistic abilities in languages designated pursuant to Section 11435.40.

(b) Court interpreters certified pursuant to Section 68562 and administrative hearing interpreters certified pursuant to Section 11435.30 shall be deemed certified for purposes of this section. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§ 11435.40. CERTIFICATION; LANGUAGES.**

(a) The State Personnel Board shall designate the languages for which certification shall be established under Sections 11435.30 and 11435.35. The languages designated shall include, but not be limited to, Spanish, Tagalog, Arabic, Cantonese, Japanese, Korean, Portuguese, and Vietnamese until the State Personnel Board finds that there is an insufficient need for interpreting assistance in these languages.

(b) The language designations shall be based on the following:

(1) The language needs of non-English-speaking persons appearing before the administrative agencies, as determined by consultation with the agencies.

(2) The cost of developing a language examination.

(3) The availability of experts needed to develop a language examination.

(4) Other information the board deems relevant. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§ 11435.45. FEES; INTERPRETER EXAMINATIONS; CERTIFICATE RENEWAL.**

The State Personnel Board shall establish and charge fees for applications to take interpreter examinations and for renewal of certifications. The purpose of these fees is to cover the annual projected costs of carrying out this article. The fees may be adjusted each fiscal year by a percent that is equal to or less than the percent change in the California Necessities Index prepared by the Commission on State Finance.

Each certified administrative hearing interpreter and each certified medical examination interpreter shall pay a fee, due on July 1 of each year, for the renewal of the certification. Court interpreters certified under Section 68562 shall not pay any fees required by this section.

If the amount of money collected in fees is not sufficient to cover the costs of carrying out this article, the board shall charge and be reimbursed a pro rata share of the additional costs by the state agencies that conduct administrative hearings. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§ 11435.50. REMOVAL OF NAME FROM LIST OF CERTIFIED INTERPRETERS; GROUNDS.**

The State Personnel Board may remove the name of a person from the list of certified interpreters if any of the following conditions occur:

(a) The person is deceased.

(b) The person notifies the board that the person is unavailable for work.

(c) The person does not submit a renewal fee as required by Section 11435.45. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)



**§ 11435.55. CERTIFICATION  
REQUIREMENT; USE OF  
NONCERTIFIED  
INTERPRETERS.**

(a) An interpreter used in a hearing shall be certified pursuant to Section 11435.30. However, if an interpreter certified pursuant to Section 11435.30 cannot be present at the hearing, the hearing agency shall have discretionary authority to provisionally qualify and use another interpreter.

(b) An interpreter used in a medical examination shall be certified pursuant to Section 11435.35. However, if an interpreter certified pursuant to Section 11435.35 cannot be present at the medical examination, the physician provisionally may use another interpreter if that fact is noted in the record of the medical evaluation. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§ 11435.60. NOTICE OF RIGHT TO  
INTERPRETER.**

Every agency subject to the language assistance requirement of this article shall advise each party of the right to an interpreter at the same time that each party is advised of the hearing date or medical examination. Each party in need of an interpreter shall also be encouraged to give timely notice to the agency conducting the hearing or medical examination so that appropriate arrangements can be made. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§ 11435.65. CONFIDENTIALITY; INTEREST  
OF INTERPRETER.**

(a) The rules of confidentiality of the agency, if any, that apply in an adjudicative proceeding shall apply to any interpreter in the hearing or medical examination, whether or not the rules so state.

(b) The interpreter shall not have had any involvement in the issues of the case prior to the hearing. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**ARTICLE 9.  
GENERAL PROCEDURAL  
PROVISIONS**

**§ 11440.10. AUTHORITY OF AGENCY  
HEAD FOLLOWING  
DECISION.**

(a) The agency head may do any of the following with respect to a decision of the presiding officer or the agency;

- (1) Determine to review some but not all issues, or not to exercise any review.
- (2) Delegate its review authority to one or more persons.
- (3) Authorize review by one or more persons, subject to further review by the agency head.

(b) By regulation an agency may mandate review, or may preclude or limit review, of a decision of the presiding officer or the agency. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§ 11440.20. SERVICE; NOTICE.**

Service of a writing on, or giving of a notice to, a person in a procedure provided in this chapter is subject to the following provisions:

(a) The writing or notice shall be delivered personally or sent by mail or other means to the person at the person's last known address or, if the person is a party with an attorney or other authorized representative of record in the proceeding, to the party's attorney or other authorized representative. If a party is required by statute or regulation to maintain an address with an agency, the party's last known address is the address maintained with the agency.

(b) Unless a provision specifies the form of mail, service or notice by mail may be by first-class mail, registered mail, or certified mail, by mail delivery service, by facsimile transmission if complete and without error, or by other electronic means as provided by regulation, in the discretion of the sender. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

## **ARTICLE 10. INFORMAL HEARING**

### **§ 11445.10. INFORMAL HEARING PROCEDURE; LEGISLATIVE FINDINGS AND DECLARATIONS.**

(a) Subject to the limitations in this article, an agency may conduct an adjudicative proceeding under the informal hearing procedure provided in this article.

(b) The Legislature finds and declares the following:

(1) The informal hearing procedure is intended to satisfy due process and public policy requirements in a manner that is simpler and more expeditious than hearing procedures otherwise required by statute, for use in appropriate circumstances.

(2) The informal hearing procedure provides a forum in the nature of a conference in which a party has an opportunity to be heard by the presiding officer.

(3) The informal hearing procedure provides a forum that may accommodate a hearing where by regulation or statute a member of the public may participate without appearing or intervening as a party. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

### **§11445.20. PROCEEDINGS.**

Subject to Section 11445.30, an agency may use an informal hearing procedure in any of the following proceedings, if in the circumstances its use does not violate another statute or the federal or state Constitution:

(a) A proceeding where there is no disputed issue of material fact.

(b) A proceeding where there is a disputed issue of material fact, if the matter is limited to any of the following:

(1) A monetary amount of not more than one thousand dollars (\$1,000).

(2) A disciplinary sanction against a student that does not involve expulsion from an academic institution or suspension for more than 10 days.

(3) A disciplinary sanction against an employee that does not involve discharge from employment, demotion, or suspension for more than 5 days.

(4) A disciplinary sanction against a licensee that does not involve an actual revocation of a license or an actual suspension of a license for more than five days. Nothing in this section precludes an agency from imposing a stayed revocation or a stayed suspension of a license in an informal hearing.

(c) A proceeding where, by regulation, the agency has authorized use of an informal hearing.

(d) A proceeding where an evidentiary hearing for determination of facts is not required by statute but where the agency determines the federal or state Constitution may require a hearing. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

### **§ 11445.30. NOTICE OF HEARING; OBJECTION.**

(a) The notice of hearing shall state the agency's selection of the informal hearing procedure.

(b) Any objection of a party to use of the informal hearing procedure shall be made in the party's pleading.

(c) An objection to use of the informal hearing procedure shall be resolved by the presiding officer before the hearing on the basis of the pleadings and any written submissions in support of the pleadings. An objection to use of the informal hearing procedure in a disciplinary proceeding involving an occupational license shall be resolved in favor of the licensee. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

### **§ 11445.40. HEARING PROCEDURES APPLICABLE; AUTHORITY OF PRESIDING OFFICER.**

(a) Except as provided in this article, the hearing procedures otherwise required by statute for an adjudicative proceeding apply to an informal hearing.

(b) In an informal hearing the presiding officer shall regulate the course of the proceeding. The presiding officer shall permit the parties and may permit others to offer written or oral comments on the issues. The presiding officer may limit the use of witnesses, testimony, evidence, and argument, and may limit or eliminate the use of pleadings, intervention, discovery, prehearing conferences, and rebuttal. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§11445.50. DENIAL OF USE OF  
INFORMAL HEARING  
PROCEDURE; CROSS  
EXAMINATION; JUDICIAL.**

(a) The presiding officer may deny use of the informal hearing procedure, or may convert an informal hearing to a formal hearing after an informal hearing is commenced, if it appears to the presiding officer that cross-examination is necessary for proper determination of the matter and that the delay, burden, or complication due to allowing cross-examination in the informal hearing will be more than minimal.

(b) An agency, by regulation, may specify categories of cases in which cross-examination is deemed not necessary for proper determination of the matter under the informal hearing procedure. The presiding officer may allow cross-examination of witnesses in an informal hearing notwithstanding an agency regulation if it appears to the presiding officer that in the circumstances cross-examination is necessary for proper determination of the matter.

(c) The actions of the presiding officer under this section are not subject to judicial review. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

**§ 11445.60. MATERIAL FACTS IN DISPUTE;  
PRESENTATION OF PROOF.**

If the presiding officer has reason to believe that material facts are in dispute, the presiding officer may require a party to state the identity of the witnesses or other sources through which the party would propose to present proof if the proceeding were converted to a formal or other applicable hearing procedure. If disclosure of a fact, allegation, or source is privileged or expressly prohibited by a regulation, statute, or the federal or state Constitution, the presiding officer may require the party to indicate that confidential facts, allegations, or sources are involved, but not to disclose the confidential facts, allegations, or sources.

If a party has reason to believe that essential facts must be obtained in order to permit an adequate presentation of the case, the party may inform the presiding officer regarding the general nature of the facts and the sources from which the party would propose to obtain the facts if the proceeding were converted to a formal or other applicable hearing procedure. (Added by Stats. 1995, c. 938 (S.B. 523), § 21, operative July 1, 1997.)

## PENAL CODE

### SECTIONS 337b THROUGH 414a

#### **§ 337b. SPORTING EVENTS; OFFERING OR ATTEMPTING TO BRIBE PLAYER; PUNISHMENT.**

Any person who gives, or offers or promises to give, or attempts to give or offer, any money, bribe, or thing of value, to any participant or player, or to any prospective participant or player, in any sporting event, contest, or exhibition of any kind whatsoever, except a wrestling exhibition as defined in Section 18626 of the Business and Professions Code, and specifically including, but without being limited to, such sporting events, contests, and exhibitions as baseball, football, basketball, boxing, horseracing, and wrestling matches, with the intention or understanding or agreement that such participant or player or such prospective participant or player shall not use his or her best efforts to win such sporting event, contest, or exhibition, or shall so conduct himself or herself in such sporting event, contest, or exhibition that any other player, participant or team of players or participants shall thereby be assisted or enabled to win such sporting event, contest, or exhibition, or shall so conduct himself or herself in such sporting event, contest, or exhibition as to limit his or her or his or her team's margin of victory in such sporting event, contest, or exhibition, is guilty of a felony, and shall be punished by imprisonment in the state prison, or by a fine not to exceed five thousand dollars (\$5,000), or both such fine and imprisonment. (Added by Stats. 1921, c. 54, p. 62, § 1. Amended by Stats. 1941, c. 80, p. 1031, § 1, eff. April 4, 1941; Stats. 1951, c. 1083, p. 2812, § 1; Stats. 1963, c. 1359, p. 2894, § 33; Stats. 1976, c. 1139, p. 5113, § 184, operative July 1, 1977; Stats. 1987, c. 828, § 20.)

#### **§ 337c. SPORTING EVENTS; PLAYER ACCEPTING OR ATTEMPTING TO ACCEPT BRIBE; PUNISHMENT.**

Any person who accepts, or attempts to accept, or offers to accept, or agrees to accept, any money, bribe or thing of value, with the intention or understanding or agreement that he or she will not use his or her best efforts to win any sporting event, contest, or exhibition of any kind whatsoever, except a wrestling exhibition as defined in Section 18626 of the Business and Professions Code, and specifically including, but without being limited to, such sporting events, contests, or exhibitions as baseball, football, basketball, boxing,

horseracing, and wrestling matches, in which he or she is playing or participating or is about to play or participate in, or will so conduct himself or herself in such sporting event, contest, or exhibition that any other player or participant or team of players or participants shall thereby be assisted or enabled to win such sporting event, contest, or exhibition, or will so conduct himself or herself in such sporting event, contest, or exhibition as to limit his or her or his or her team's margin of victory in such sporting event, contest, or exhibition, is guilty of a felony, and shall be punished by imprisonment in the state prison, or by a fine not exceeding five thousand dollars (\$5,000), or by both such fine and imprisonment. (Added by Stats. 1921, c. 54, p. 62. Amended by Stats. 1941, c. 80, p. 1032, § 2, eff. April 4, 1941; Stats. 1951, c. 1083, p. 2812, § 2; Stats. 1963, c. 1359, p. 2895, § 34; Stats. 1976, c. 1139, p. 5114, § 185, operative July 1, 1977; Stats. 1987, c. 828, § 21.)

#### **§ 337d. SPORTING EVENTS; OFFER OR ATTEMPT TO BRIBE OFFICIAL; PUNISHMENT.**

Any person who gives, or offers to give, or promises to give, or attempts to give any money, bribe or thing of value to any person who is umpiring, managing, directing, refereeing, supervising, judging, presiding or officiating at, or who is about to umpire, manage, direct, referee, supervise, judge, preside or officiate at any sporting event, contest, or exhibition of any kind whatsoever, and specifically including, but without being limited to, such sporting events, contests, and exhibitions as baseball, football, boxing, horseracing, and wrestling matches, with the intention or agreement or understanding that such person shall corruptly or dishonestly umpire, manage, direct, referee, supervise, judge, preside, or officiate at, any such sporting event, contest, or exhibition, or the players or participants thereof, with the intention or purpose that the result of the sporting event, contest, or exhibition will be affected or influenced thereby, is guilty of a felony and shall be punished by imprisonment in the state prison, or by a fine not exceeding five thousand dollars (\$5,000), or by both such fine and imprisonment. (Amended by Stats. 1921, c. 54, p. 62, § 3. Amended by Stats. 1941, c. 80, p. 1032, § 3, eff. April 4, 1941; Stats. 1963, c. 1359, p. 2895, § 35; Stats. 1976, c. 1139, p. 5114, § 186, operative July 1, 1977.)

**§ 412. BOXING; PROHIBITION; AIDING OR ABETTING; WAGERING; PUNISHMENT; AUTHORIZING AND REGULATION OF AMATEUR BOXING EXHIBITIONS.**

Any person, who, within this state, engages in, or instigates, aids, encourages, or does any act to further, a pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, taking or to take place either within or without this state, between two or more persons, with or without gloves, for any price, reward, or compensation, directly or indirectly, or who goes into training preparatory to such pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or acts as aider, abettor, backer, umpire, referee, trainer, second, surgeon, or assistant, at such pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or who sends or publishes a challenge or acceptance of a challenge, or who knowingly carries or delivers such challenge or acceptance, or who gives or takes or receives any tickets, tokens, prize, money, or thing of value, from any person or persons, for the purpose of seeing or witnessing any such pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or who, being the owner, lessee, agent, or occupant of any vessel, building, hotel, room, enclosure or ground, or any part thereof, whether for gain, hire, reward or gratuitously or otherwise, permits the same to be used or occupied for such a pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or who lays, makes, offers or accepts, a bet or bets, or wager or wagers, upon the result or any feature of any pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or acts as stakeholder of any such bet or bets, or wager or wagers, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars and be imprisoned in the county jail not less than thirty days nor exceeding one year; provided, however, that amateur boxing exhibitions may be held within this state, of a limited number of rounds, not exceeding four of the duration of three minutes each; the interval between each round shall be one minute, and the contestants weighing one hundred and forty-five pounds or over shall wear gloves of not less than eight ounces each in weight, and contestants weighing under one hundred and forty-five pounds may wear gloves of not less than six ounces each in weight. All gloves used by contestants in such amateur boxing exhibitions shall be so constructed, as that the soft padding between the outside coverings shall be evenly distributed over the back of said gloves and cover the knuckles and back of the

hands. And no bandages of any kind shall be used on the hands or arms of the contestants. For the purpose of this statute an amateur boxing exhibition shall be and is hereby defined as one in which no contestant has received or shall receive in any form, directly or indirectly, any money, prize, reward or compensation either for the expenses of training for such contest or for taking part therein, except as herein expressly provided. Nor shall any person appear as contestant in such amateur exhibition who prior thereto has received any compensation or reward in any form for displaying, exercising or giving any example of his skill in or knowledge of athletic exercises, or for rendering services of any kind to any athletic organization or to any person or persons as trainer, coach, instructor or otherwise, or who shall have been employed in any manner professionally by reason of his athletic skill or knowledge; provided, however, that a medal or trophy may be awarded to each contestant in such amateur boxing exhibitions, not to exceed in value the sum of \$35.00 each, which such medal or trophy must have engraved thereon the name of the winner and the date of the event; but no portion of any admission fee or fees charged or received for any amateur boxing exhibition shall be paid or given to any contestant in such amateur boxing exhibition, either directly or indirectly, nor shall any gift be given to or received by such contestants for participating in such boxing exhibition, except said medal or trophy. At every amateur boxing exhibition held in this state and permitted by this section of the Penal Code, any sheriff, constable, marshal, policeman or other peace officer of the city, county or other political subdivision, where such exhibition is being held, shall have the right to, and it is hereby declared to be his duty to stop such exhibition, whenever it shall appear to him that the contestants are so unevenly matched or for any other reason, the said contestants have been, or either of them, has been seriously injured or there is danger that said contestants, or either of them, will be seriously injured if such contest continues, and he may call to his assistance in enforcing his order to stop said exhibition, as many peace officers or male citizens of the state as may be necessary for that purpose. Provided, further, that any contestant who shall continue to participate in such exhibition after an order to stop such exhibitions hall have been given by such peace officer, or who shall violate any of the regulations herein prescribed, for governing amateur boxing exhibitions, shall be deemed guilty of violating this section of the Penal Code and subject to the punishment herein provided.

Nothing in this section contained shall be construed to prevent any county, city and county, or incorporated city or town from prohibiting, by ordinance, the holding or conducting of any boxing exhibition, or any person from engaging in any such boxing exhibition therein. (Enacted 1872. Amended by Stats. 1899, c. 121, p. 153, § 1; Stats. 1903, c. 283, p. 409, § 1; Stats. 1915, p. 1930, § 1, Initiative Measure, adopted election Nov. 3, 1914.)

**§ 413. BOXING; SPECTATOR AT PROHIBITED EXHIBITION; PROCEEDINGS TO PREVENT CONTEMPLATED EXHIBITION; UNDERTAKING.**

Every person willfully present as spectator at any fight or contention prohibited in the preceding section, is guilty of a misdemeanor.

An information may be laid before any of the magistrates mentioned in section eight hundred and eight of this code, that a person has taken steps toward promoting or participating in a contemplated pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, prohibited under the provision of section four hundred and twelve of this code, or is about to commit an offense under said section four hundred and twelve. When said information is laid before said magistrate, he must examine, on oath, the informer, and any witness or witnesses he may produce, and must take their depositions in writing and cause them to be subscribed by the parties making them. If it appears from the deposition that there is just reason to fear the commission of the offense contemplated by the person so informed against, the magistrate must issue a warrant directed generally to the sheriff of the county, or any constable, marshal, or policemen in the state, reciting the substance of the information and commanding the officer forthwith to arrest the person informed against and bring him before the magistrate. When the

person informed against is brought before the magistrate, if the charge be controverted, the magistrate must take testimony in relation thereto. The evidence must be reduced to writing and subscribed by the witnesses. If it appears there is no just reason to fear the commission of the offense alleged to have been contemplated, the person complained against must be discharged. If, however, there is just reason to fear the commission of the offense, the person complained of must be required to enter into an undertaking in such sum, not less than three thousand dollars, as the magistrate may direct, with one or more sufficient sureties, conditioned that such person will not, for a period of one year thereafter, commit any such contemplated offense. (Enacted 1872. Amended by Stats. 1915, p. 1931, § 2, Initiative Measure, adopted election Nov. 3, 1914.)

**§ 414. LEAVING STATE TO EVADE BOXING LAW.**

Every person who leaves this state with intent to evade any of the provisions of Section 412 or 413, and to commit any act out of this state such as is prohibited by them, and who does any act which would be punishable under these provisions if committed within this state, is punishable in the same manner as he or she would have been in case such act had been committed within this state. (Enacted 1872. Amended by Stats. 1987, c. 828, § 27.)

**§ 414a. BOXING; WITNESSES; SELF INCRIMINATION; ACCOMPLICE.**

No person, otherwise competent as a witness, is disqualified from testifying as such, concerning any offense under this act, on the ground that such testimony may incriminate himself, but no prosecution can afterwards be had against him for any offense concerning which he testified. The provisions of Section 1111 of the Penal Code of this state are not applicable to any prosecutions brought under the provisions of this act. (Added by Stats. 1915, p. 1932, § 4, Initiative Measure, adopted election Nov. 3, 1914.)



# CALIFORNIA PUBLIC RECORDS ACT

## TITLE 1, DIVISION 7

### CHAPTER 3.5 OF THE GOVERNMENT CODE

#### § 6250. LEGISLATIVE FINDINGS AND DECLARATIONS.

In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Added by Stats.1968, c. 1473, p. 2946, § 39. Amended by Stats.1970, c. 575, p. 1150, § 1.)

#### § 6251. CALIFORNIA PUBLIC RECORDS ACT.

This chapter shall be known and may be cited as the California Public Records Act. (Added by Stats, 1968, c. 1473, p. 2946, § 39.)

#### § 6252. DEFINITIONS.

As used in this chapter:

(a) "State agency" means every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(b) "Local agency" includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or nonprofit organizations of local governmental agencies and officials which are supported solely by public funds.

(c) "Person" includes any natural person, corporation, partnership, limited liability company, firm, or association.

(d) "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. "Public records" in the custody of, or maintained by, the Governor's Office means any writing prepared on or after January 6, 1975.

(e) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all

papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(f) "Member of the public" means any person, except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment. (Added by Stats, 1968, c. 1473, p. 2946, § 39. Amended by Stats. 1970, c. 575, p. 1151, § 2; Stats. 1975, c. 1246, p. 3209, § 2; Stats. 1981, c. 968, p. 36809, § 1; Stats. 1991, c. 181 (AB 788), § 1; Stats. 1994, c. 1010, (SB 2053), § 136.)

#### § 6253. ACCESSIBILITY TO RECORDS.

(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section.

The following state and local bodies shall establish written guidelines for accessibility of records. A copy of these guidelines shall be posted in a conspicuous public place at the offices of these bodies, and a copy of the guidelines shall be available upon request free of charge to any person requesting that body's records:

- Department of Motor Vehicles
- Department of Consumer Affairs
- Department of Transportation
- Department of Real Estate
- Department of Corrections
- Department of Youth Authority
- Department of Justice
- Department of Insurance
- Department of Corporations
- Secretary of State
- State Air Resources Board
- Department of Water Resources
- Department of Parks and Recreation
- San Francisco Bay Conservation and Development Commission
- State Board of Equalization
- State Department of Health Services
- Employment Development Department
- State Department of Social Services
- State Department of Mental Health
- State Department of Alcohol and Drug Abuse
- Office of Statewide Health Planning and Development



Public Employees' Retirement System  
 Teachers' Retirement Board  
 Department of Industrial Relations  
 Department of General Services  
 Department of Veterans Affairs  
 Public Utilities Commission  
 California Coastal Commission  
 State Water Quality Control Board  
 San Francisco Bay Area Rapid Transit District  
 All regional water quality control boards  
 Los Angeles County Air Pollution Control District  
 Bay Area Air Quality Management District  
 Golden Gate Bridge, Highway and Transportation District  
 Department of Toxic Substances Control  
 Office of Environmental Health Hazard Assessment

(b) Guidelines and regulations adopted pursuant to this section shall be consistent with all other sections of this chapter and shall reflect the intention of the Legislature to make the records accessible to the public. The guidelines and regulations adopted pursuant to this section shall not operate to limit the hours public records are open for inspection as prescribed in subdivision (a). (Added by Stats. 1968, c. 1473, p. 2946, § 39. Amended by Stats. 1973, c. 664, p. 1215, § 1; Stats. 1974, c. 544, p. 1249, § 7; Stats. 1975, c. 957, p. 2140, § 6; Stats. 1977, c. 1252, p. 4325, § 96, operative July 1, 1978; Stats. 1979, c. 373, § 120; Stats. 1983, c. 826, § 1; Stats. 1988, c. 409, § 1; Gov. Reorg. Plan No. 1 of 1991, § 70, eff. July 17, 1991.)

## **§ 6254. EXEMPTION OF PARTICULAR RECORDS.**

Except as provided in Sections 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure.

(b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810), until the pending litigation or claim has been finally adjudicated or otherwise settled.

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

(d) Contained in or related to:

(1) Applications filed with any state agency responsible for the regulation or supervision of

the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, industrial loan companies, credit unions, and insurance companies.

(2) Examination, operating, or condition reports prepared by, on behalf of, or for the use of, any state agency referred to in paragraph (1).

(3) Preliminary drafts, notes, or interagency or intra-agency communications prepared by, on behalf of, or for the use of, any state agency referred to in paragraph (1).

(4) Information received in confidence by any state agency referred to in paragraph (1).

(e) Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence from any person.

(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the Office of the Attorney General and the Department of Justice, and any state or local police agency, or any investigatory or security files compiled by any other state or local police law agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes, except that state and local enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (c) of Section 13960, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation. However, nothing in this division shall require the disclosure of that portion of those investigative files that reflect the analysis or conclusions of the investigating officer.

Other provisions of this subdivision notwithstanding, state and local law enforcement agencies shall make public the following information, except to the extent

that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:

(1) The full name and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

(2) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved. The name of a victim of any crime defined by Section 220, 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor. When a person is the victim of more than one crime, information disclosing that the person is a victim of a crime defined by Section 220, 261, 262, 264, 264.1, 273a, 273d, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code may be deleted at the request of the victim, or the victim's parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime, available to the public in compliance with the requirements of this paragraph.

(3) Subject to the restrictions of Section 841.5 of the Penal Code and this subdivision, the current address of every individual arrested by the agency and the current address of the victim of a crime, where the requester declares under

penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator as described in Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code, except that the address of the victim of any crime defined by Section 220, 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code shall remain confidential. Address information obtained pursuant to this paragraph shall not be used directly or indirectly to sell a product or service to any individual or group of individuals, and the requester shall execute a declaration to that effect under penalty of perjury.

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided for in Chapter 3 (commencing with Section 99150) of Part 65 of the Education Code.

(h) The contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the state or local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. However, the law of eminent domain shall not be affected by this provision.

(i) Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information.

(j) Library circulation records kept for the purpose of identifying the borrower of items available in libraries, and library and museum materials made or acquired and presented solely for the reference or exhibition purposes. The exemption in this subdivision shall not apply to records of fines imposed on the borrowers.

(k) Records the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

(l) Correspondence of and to the Governor or employees of the Governor's Office or in the custody of or maintained by the Governor's legal affairs secretary, provided that public records shall not be transferred to the custody of the Governor's legal affairs secretary to evade the disclosure provisions of this chapter.

(m) In the custody of or maintained by the Legislative Counsel, except those records in the public data base maintained by the Legislative Counsel that are described in Section 10248.

(n) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with the licensing agency to establish his or her personal qualification for the license, certificate, or permit applied for.

(o) Financial data contained in applications for financing under Division 27 (commencing with Section 44500) of the Health and Safety Code, where an authorized officer of the California Pollution Control Financing Authority determines that disclosure of the financial data would be competitively injurious to the applicant and the data is required in order to obtain guarantees from the United States Small Business Administration. The California Pollution Control Financing Authority shall adopt rules for review of individual requests for confidentiality under this section and for making available to the public those portions of an application which are subject to disclosure under this chapter.

(p) Records of state agencies related to activities governed by Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), and Chapter 12 (commencing with Section 3560) of Division 4 of Title 1, that reveal a state agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under these chapters. Nothing in this subdivision shall be construed to limit the disclosure duties of a state agency with respect to any other records relating to the activities governed by the employee relations acts referred to in this subdivision.

(q) Records of state agencies related to activities governed by Articles 2.6 (commencing with Section 14081), 2.8 (commencing with Section 14087.5), and 2.91 (commencing with Section 14089) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, that reveal the special negotiator's deliberative processes, discussions, communications, or any other portion of the negotiations with providers of health care services, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy, or that provide instruction, advice, or training to employees.

Except for the portion of a contract containing the rates of payment, contracts for inpatient services entered into pursuant to these articles, on or after April 1,

1984, shall be open to inspection one year after they are fully executed. In the event that a contract for inpatient services that is entered into prior to April 1, 1984, is amended on or after April 1, 1984, the amendment, except for any portion containing the rate of payment, shall be open to inspection one year after it is fully executed. If the California Medical Assistance Commission enters into contracts with health care providers for other than inpatient hospital services, those contracts shall be open to inspection one year after they are fully executed.

Three years after a contract or amendment is open to inspection under this subdivision, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

Notwithstanding any other provision of law, the entire contract or amendment shall be open to inspection by the Joint Legislative Audit Committee. The Joint Legislative Audit Committee shall maintain the confidentiality of the contracts and amendments until the time a contract or amendment is fully open to inspection by the public.

(r) Records of Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.

(s) A final accreditation report of the Joint Commission on Accreditation of Hospitals that has been transmitted to the State Department of Health Services pursuant to subdivision (b) of Section 1282 of the Health and Safety Code.

(t) Records of a local hospital district, formed pursuant to Division 23 (commencing with Section 32000) of the Health and Safety Code, or the records of a municipal hospital, formed pursuant to Article 7 (commencing with Section 37600) or Article 8 (commencing with Section 37650) of Chapter 5 of Division 3 of Title 4 of this code, that relate to any contract with an insurer or nonprofit hospital service plan for inpatient or outpatient services for alternative rates pursuant to Section 10133 or 11512 of the Insurance Code. However, the record shall be open to inspection within one year after the contract is fully executed.

(u) Information contained in applications for licenses to carry firearms issued pursuant to Section 12050 of the Penal Code by the sheriff of a county or the chief or other head of a municipal police department that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of members of his or her family.

(v)(1) Records of the Major Risk Medical Insurance Program related to activities governed by Part

6.3 (commencing with Section 12695), and Part 6.5 (commencing with Section 12700), of Division 2 of the Insurance Code, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations with health plans, or the impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or records that provide instructions, advice, or training to employees.

(2) (A) Except for the portion of a contract that contains the rates of payment, contracts for health coverage entered into pursuant to Part 6.3 (commencing with Section 12695), or Part 6.5 (commencing with Section 12700), of Division 2 of the Insurance Code, on or after July 1, 1991, shall be open to inspection one year after they have been fully executed.

(B) In the event that a contract for health coverage that is entered into prior to July 1, 1991, is amended on or after July 1, 1991, the amendment, except for any portion containing the rates of payment shall be open to inspection one year after the amendment has been fully executed.

(3) Three years after a contract or amendment is open to inspection pursuant to this subdivision, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(4) Notwithstanding any other provision of law, the entire contract or amendments to a contract shall be open to inspection by the Joint Legislative Audit Committee. The Joint Legislative Audit Committee shall maintain the confidentiality of the contracts and amendments thereto, until the contract or amendments to a contract is open to inspection pursuant to paragraph (3).

(w)(1) Records of the Major Risk Medical Insurance Program related to activities governed by Chapter 14 (commencing with Section 10700) of Part 2 of Division 2 of the Insurance Code, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations with health plans, or the impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or records that provide instructions, advice, or training to employees.

(2) Except for the portion of a contract that contains the rates of payment, contracts for health coverage entered into pursuant to Chapter 14 (commencing with Section 10700) of Part 2 of Division 2 of the Insurance Code, on or after January 1, 1993, shall be open to inspection one year after they have been fully executed.

(3) Notwithstanding any other provision of law, the entire contract or amendments to a contract shall be open to inspection by the Joint Legislative Audit Committee. The Joint Legislative Audit Committee shall maintain the confidentiality of the contracts and amendments thereto, until the contract or amendments to a contract is open to inspection pursuant to paragraph (2).

(x) Financial data contained in applications for registration, or registration renewal, as a service contractor filed with the Director of the Department of Consumer Affairs pursuant to Chapter 20 (commencing with Section 9800) of Division 3 of the Business and Professions Code, for the purpose of establishing the service contractor's net worth, or, financial data regarding the funded accounts held in escrow for service contracts held in force in this state by a service contractor.

(y)(1) Records of the Managed Risk Medical Insurance Board related to activities governed by Part 6.2 (commencing with Section 12693) of Division 2 of the Insurance Code, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations with health plans, or the impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or records that provide instructions, advice, or training to employees.

(2) (A) Except for the portion of a contract that contains the rates of payment, contracts entered into pursuant to Part 6.2 (commencing with Section 12693) of Division 2 of the Insurance Code, on or after January 1, 1998, shall be open to inspection one year after they have been fully executed.

(B) In the event that a contract entered into pursuant to Part 6.2 (commencing with Section 12693) of Division 2 of the Insurance Code is amended, the amendment shall be open to inspection one year after the amendment has been fully executed.

(3) Three years after a contract or amendment is open to inspection pursuant to this subdivision, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(4) Notwithstanding any other provision of law, the entire contract or amendments to a contract shall be open to inspection by the Joint Legislative Audit Committee. The Joint Legislative Audit Committee shall maintain the confidentiality of the contracts and amendments thereto until the contract or amendments to a contract are open to inspection pursuant to paragraph (2) or (3).

Nothing in this section prevents any agency from opening its records concerning the administration of the agency to public inspection, unless disclosure is otherwise prohibited by law.

Nothing in this section prevents any agency from opening its records concerning the administration of the agency to public inspection, unless disclosure is otherwise prohibited by law.

Nothing in this section prevents any health facility from disclosing to a certified bargaining agent relevant financing information pursuant to Section 8 of the National Labor Relations Act. (Amended by Stats. 1995, c. 438, (AB 985), (1; Stats. 1995, c. 777 (AB 958), (2; Stats. 1995, c. 778 (SB 1059), (1.5; Stats. 1995, c. 778 (SB 1059), (1.5, operative July 1, 1996; Stats. 1996, c. 1075 (SB 1444), (11; Stats. 1997, c. 623 (A.B. 1126), § 1.)

#### **§ 6254.25. MEMORANDUM FROM LEGAL COUNSEL TO STATE BODY OR LOCAL AGENCY; PENDING LITIGATION.**

Nothing in this chapter or any other provision of law shall require the disclosure of a memorandum submitted to a state body or to the legislative body of a local agency by its legal counsel pursuant to subdivision (q) of Section 11126 or Section 54956.9 until the pending litigation has been finally adjudicated or otherwise settled. The memorandum shall be protected by the attorney work-product privilege until the pending litigation has been finally adjudicated or otherwise settled. (Formerly § 6254.1, added by Stats. 1984, c. 1126, § 1. Renumbered § 6254.2 and amended by Stats. 1985, c. 106, § 44. Renumbered § 6254.25 and amended by Stats. 1986, c. 248, § 50; Stats. 1987, c. 1320, § 1.)

#### **§ 6254.3. STATE, SCHOOL DISTRICT AND COUNTY OFFICE OF EDUCATION EMPLOYEES; HOME ADDRESS AND PHONE NUMBER AS PUBLIC RECORDS; DISCLOSURE.**

(a) The home addresses and home telephone numbers of state employees and employees of a school district or county office of education shall not be deemed to be public records and shall not be open to public inspection, except that disclosure of that information may be made as follows:

(1) To an agent, or a family member of the individual to whom the information pertains.

(2) To an officer or employee of another state agency, school district, or county office of education when necessary for the performance of its official duties.

(3) To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home addresses and home telephone numbers of employees performing law enforcement-related functions shall not be disclosed.

(4) To an agent or employee of a health benefit plan providing health services or administering claims for health services to state, school districts, and county office of education employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents.

(b) Upon written request of any employee, a state agency, school district, or county office of education shall not disclose the employee's home address or home telephone number pursuant to paragraph (3) of subdivision (a) and an agency shall remove the employee's home address and home telephone number from any mailing list maintained by the agency, except if the list is used exclusively by the agency to contact the employee. (Added by Stats. 1984, c. 1657, § 1. Amended by Stats. 1992, c. 463 (AB 1040), § 1, eff. Aug. 10, 1992.)

#### **6254.5. DISCLOSURES OF PUBLIC RECORDS, WAIVER OF EXEMPTIONS; APPLICATION OF SECTION**

Notwithstanding any other provisions of the law, whenever a state or local agency discloses a public record which is otherwise exempt from this chapter, to any member of the public, this disclosure shall consti-

tute a waiver of the exemptions specified in Sections 6254, 6254.7, or other similar provisions of law. For purposes of this section, "agency" includes a member, agent, officer, or employee of the agency acting within the scope of his or her membership, agency, office, or employment.

This section, however, shall not apply to disclosures:

(a) Made pursuant to the Information Practices Act (commencing with Section 1798 of the Civil Code) or discovery proceedings.

(b) Made through other legal proceedings or as otherwise required by law.

(c) Within the scope of disclosure of a statute which limits disclosure of specified writings to certain purposes.

(d) Not required by law, and prohibited by formal action of an elected legislative body of the local agency which retains the writings.

(e) Made to any governmental agency which agrees to treat the disclosed material as confidential. Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes which are consistent with existing law.

(f) Of records relating to a financial institution or an affiliate thereof, if the disclosures are made to the financial institution or affiliate by a state agency responsible for the regulation or supervision of the financial institution or affiliate.

(g) Of records relating to any person that is subject to the jurisdiction of the Department of Corporations, if the disclosures are made to the person that is the subject of the records for the purpose of corrective action by that person, or if a corporation, to an officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain information from that person for the purpose of an investigation by the Department of Corporations.

(h) Made by Commissioner of Financial Institutions under Section 1909, 8009, or 18396 of the Financial Code. (Amended by Stats. 1995, c. 480 (AB 1482), § 199, eff. Oct. 2, 1995, operative Oct. 2, 1995, operative Oct. 2, 1995; Stats. 1996, c. 1064 (AB 3351), § 780, operative July 1, 1997.)

## **§ 6254.8. EMPLOYMENT CONTRACTS BETWEEN STATE OR LOCAL AGENCY AND PUBLIC OFFICIAL OR EMPLOYEE; PUBLIC RECORD.**

Every employment contract between a state or local agency and any public official or public employee is a public record which is not subject to the provisions of Sections 6254 and 6255. (Added by Stats. 1974, c. 1198, p. 2588, § 1.)

## **§ 6255. JUSTIFICATION FOR WITHHOLDING OF RECORDS.**

The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. (Added by Stats. 1968, c. 1473, p. 2947, § 39.)

## **§ 6256. COPIES OF RECORDS; DETERMINATION ON COMPLIANCE WITH REQUEST; NOTICE; REASONS.**

Any person may receive a copy of any identifiable public record or copy thereof. Upon request, an exact copy shall be provided unless impracticable to do so. Computer data shall be provided in a form determined by the agency.

Each agency, upon any request for a copy of records shall determine within 10 days after receipt of such request whether to comply with the request and shall immediately notify the person making the request of such determination and the reasons therefor. (Added by Stats. 1986, c. 1473, p. 2947, § 39. Amended by Stats. 1970, c. 575, p. 1151, § 3, Stats. 1981, c. 968, p. 3680, § 3.1.)

### **§ 6256.1. EXTENSION OF TIME FOR DETERMINATION IN UNUSUAL CIRCUMSTANCES; NOTICE.**

In unusual circumstances, as specified in this section, the time limit prescribed in Section 6256 may be extended by written notice by the head of the agency to the person making the request setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than 10 working days.

As used in this section “unusual circumstances” means, but only to the extent reasonably necessary to the proper processing of the particular request:

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.

(c) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein. (Added by Stats. 1981, c. 968, p. 3680, § 3.2.)

**§ 6256.2. DELAY IN ACCESS; PROHIBITION; NOTIFICATION OF DENIAL; NAME OF PERSON RESPONSIBLE.**

Nothing in this chapter shall be construed to permit an agency to delay access for purposes of inspecting public records. Any notification of denial of any request for records shall set forth the names and titles or positions of each person responsible for the denial. (Added by Stats.1981, c. 968, p. 3680, § 3.3.)

**§ 6257. REQUEST FOR COPY; PROMPT AVAILABILITY; FEE; REASONABLE SEGREGABLE PORTION AFTER DELETION OF EXEMPT PORTIONS.**

Except with respect to public records exempt by express provisions of law from disclosure, each state or local agency, upon any request for a copy of records, which reasonably describes an identifiable record, or information produced therefrom, shall make the records promptly available to any person, upon payment of fees covering direct costs of duplications, or a statutory fee, if applicable. Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt by law. (Added by Stats.1981, c. 968, p. 3680, § 3.5.)

**§ 6262. EXEMPTION OF RECORDS OF COMPLAINTS TO, OR INVESTIGATIONS BY, ANY STATE OR LOCAL AGENCY FOR LICENSING PURPOSES; APPLICATION TO DISTRICT ATTORNEY.**

The exemption of records of complaints to, or investigations conducted by, any state or local agency for licensing purposes under subdivision (f) of Section 6254 shall not apply when a request for inspection of such records is made by a district attorney. (Added by Stats.1979, c. 601, § 2.)

**§ 6263. DISTRICT ATTORNEY; INSPECTION OR COPYING OF NONEXEMPT PUBLIC RECORDS.**

A state or local agency shall allow an inspection or copying of any public record or class of public records not exempted by this chapter when requested by a district attorney. (Added by Stats.1979, c. 601, § 3.)

**§ 6264. ORDER TO ALLOW DISTRICT ATTORNEY TO INSPECT OR COPY RECORDS.**

The district attorney may petition a court of competent jurisdiction to require a state or local agency to allow him to inspect or receive a copy of any public record or class of public records not exempted by this chapter when the agency fails or refuses to allow inspection or copying within 10 working days of a request. The court may require a public agency to permit inspection or copying by the district attorney unless the public interest or good cause in withholding such records clearly outweighs the public interest in disclosure. (Added by Stats.1979, c 601, § 4.)

## CIVIL CODE

### SECTION 1812.97

#### **§1812.97. WARNING STATEMENT; POSTING; ATHLETIC FACILITIES; ANABOLIC STEROIDS.**

(a) Every contract which has as its purpose the lease or rental of athletic facilities for instruction, training, or assistance in physical culture, body building, exercising, reducing, figure development, or any other related physical skill, or for baseball, football, tennis, basketball, gymnastics, track and field, hockey, ice skating, weightlifting, wrestling, or bicycling shall contain the following warning statement in 10-point bold type: Warning: Use of steroids to increase strength or growth can cause serious health problems. Steroids can keep teenagers from growing to their full height; they can also cause heart disease, stroke, and damaged liver function. Men and women using steroids may develop fertility problems, personality changes, and acne. Men can also experience premature balding and development of breast tissue. These health hazards are in addition to the civil and criminal penalties for unauthorized sale, use, or exchange of anabolic steroids.

(b) Commencing June 1, 1990, the warning statement required pursuant to subdivision (a) shall be conspicuously posted in all athletic facilities in this state which have locker rooms. At least one warning statement shall be posted in every locker room of the athletic facility.

(c) As used in this section, “athletic facilities” includes a health studio regulated pursuant to Title 2.5

(commencing with Section 1812.80), a professional boxers’ training gymnasium, as defined in Section 18685 of the Business and Professions Code, any privately owned sports facility or stadium in this state which is open to the general public, and any publicly owned sports facility or stadium in this state, including facilities in institutions of higher learning and schools that include any or all grades 7 to 12, inclusive.

(d) As used in this section, “anabolic steroids” include, but are not limited to, the following:

- (1) Dianabol (methandrostenolone).
- (2) Winstrol (stanozolol).
- (3) Maxibolin (ethyl estrenol).
- (4) Durabolin (nandrolone phenpropionate).
- (5) Deca-Durabolin (nandrolone decanoate).
- (6) Testosterone propionate.
- (7) Pregnyl (chorionic gonadotropin).
- (8) Anavar (oxandrolone).

(e) When an athletic facility seeks to renew an operating license, if it can be demonstrated by a preponderance of the evidence that an athletic facility has not posted the sign required pursuant to this section, the licensing agency may impose a fine in the amount of fifty dollars (\$50) per day for each day that the violation occurred, as a condition of obtaining the license renewal. (Added by Stats. 1986, c. 565, § 1. Amended by Stats. 1989, c. 807, § 2, operative June 1, 1990.)